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NATIONAL MUNICIPAL LEAGUE

News in Review

City, State, Nation
Edited by H. M. Olmsted

City Manager Plan in Cuban Constitution

One of three prescribed forms for autonomous municipal government

The new constitution of Cuba provides for local autonomy in various respects, including the choice of three governmental forms: commission, council-manager, and mayor-council. Title fifteen of the document deals with the municipal regime; its third section, including articles 222-232, has to do with municipal government. Of special interest are the following:

"223. Municipalities can adopt their own municipal constitution in accordance with the following procedure, which shall be regulated by law. The municipal council or the commission, on petition of 10 per cent of the voters of the municipality and with the favorable vote of two-thirds of its members, shall consult the electorate of the municipality, through the medium of the corresponding electoral bodies, as to whether it desires to elect a commission of fifteen members to prepare a municipal constitution.

P.R. Prescribed

"The names of the candidates to form part of the commission shall be placed on the respective ballots, and if the majority of the voters vote favorably on the question raised, the fifteen candidates who receive the highest vote, in accordance with the system of proportional representation [not described], shall be elected to form the

commission. The latter shall draw up the municipal constitution and submit it for the approval of the voters of the municipality not less than thirty days after it has been completed and distributed, and not more than a year after the commission is elected.

"Municipalities shall adopt one of these systems of government: that of a commission, that of a municipal council and manager, and that of a mayor and municipal council. . . .

"225. In the system of municipal council and manager there shall also be a mayor who shall preside over the municipal council and shall be the representative of the people in all acts of an official or social character.

The Manager

"The manager shall be a technician or person of recognized capacity in municipal matters, and shall act as the head of the municipal administration, with faculties to appoint and remove the officers and employees of the municipality in accordance with what is established in this constitution.

"The position shall be filled by the municipal council, for a period of six years through the medium of competitive examination, before a board composed of the following members: A professor of municipal government, a professor of administrative law, a public accountant, and two representatives of the municipality. The professor of administrative law and the professor of municipal government shall be named by a university faculty of social sciences; the public accountant, by the school of commerce of the province to which the municipality pertains, and the representatives of the municipality by the municipal council of the municipal district in question.

"When the manager has been named

by the municipal council, on proposal of the examining board, he cannot be removed except by a decision of the competent judicial authority or by popular will, always for the reasons and with the formalities to be established by law.

"The municipal council, in this form of government, shall be composed of six councilmen when the population of the municipality does not exceed 20,000 inhabitants; of fourteen when it is more than 20,000 but does not exceed 100,000; and of twenty-eight when it exceeds 100,000 inhabitants; all directly elected by the people for a term of four years."

Council-Manager Plan News

The Town Plan Commission of **Thompsonville, Connecticut**, in accordance with its duty to recommend programs for public improvements, has this year urged a change to council-manager government. The *Thompsonville Press* recounts the advantages of a trained manager to administer the recently adopted annual budget, exceeding \$600,000.

In **Richmond, Virginia**, T. Coleman Andrews, former city comptroller, addressing the Civic Forum on October 7, urged the adoption of the council-manager plan. The *Richmond Times-Dispatch*, which is on record as favoring the manager plan, doubts that the present time is opportune, commends the recent election of Mayor Ambler as a victory for administrative reform, and suggests waiting for a referendum on a single-chamber council to replace the present bicameral body, which now has such a measure before it, and until central purchasing and other proposed changes have been made.

A recent decision of the New York Court of Appeals has blocked the November 5 vote in **Johnstown, New**

York, on an amendment to its charter providing the manager plan and P.R. The courts decided that the proposals constituted a new charter and should have been submitted as such and not as an amendment.¹

The cities of **Lachine** and **Malartic, Quebec**, are now operating under the council-manager plan.

A governmental survey of the town of **Brookline, Massachusetts**, made over a period of nine months, has resulted in recommendations of the town manager plan, elimination of eleven elective boards and administrative officers, and reduction of the size of the present representative town meeting from 243 members elected from precincts (plus ex-officio members, making a total of 265) to one hundred or less (minimum thirty) elected at large; the town meeting would make appropriations but the elective board of selectmen would be the legislative and governmental body of continuous activity and responsibility, and would appoint the manager, town clerk, town counsel, and five advisory boards. A town moderator would also be elected by the people.

The present administrative functions of selectmen would be centralized in the manager or "chief administrative officer," in charge of eight departments: finance, taxation, public welfare, public health, police, fire, public works, and education. The revamped town meeting would take over investigating activities of its present advisory committee of thirty-seven members, which would be abolished.

The report, prepared by Public Administration Service, was released September 25 and has aroused much discussion.

(Continued on Page 747)

¹See also page 760.

The League's Business

National Conference at Springfield

The League's forty-sixth annual National Conference on Government to be held November 18, 19, and 20 at Springfield, Massachusetts, will include several departures from past practices.

After the opening luncheon and general session on Monday, there will be a mass meeting at the municipal auditorium which will be addressed by President C. A. Dykstra and by Newbold Morris, president of the council of New York City. Students of Mount Holyoke College, under the direction of the departments of political science and English speech, will present a dramatic demonstration, "Proportional Representation—The Key to Democracy." The mass meeting will be a citizens' rally sponsored by the Springfield Taxpayers' Association, the organization which is host to the conference.

Governor Harold E. Stassen of Minnesota and Former Governor John G. Winant of New Hampshire, director of the International Labor Office, will speak at the annual League banquet Tuesday evening at the Hotel Kimball, where all sessions except the rally will be held. Governor Stassen's address will be broadcast over a national hook-up of the Columbia Broadcasting System.

In recognition of the frequently expressed objections to having many group sessions in progress simultaneously, these have been limited so that there will be only four meetings at a time on Tuesday and Wednesday mornings.

The contribution of women to progress in civic affairs will be emphasized at a luncheon Tuesday noon at which Miss Dorothy Crook, director of legislative program, National Federation of Business and Professional Women's Clubs; Mrs. LaFell Dickinson, vice-president, National Federation of Women's Clubs, and Miss Florence L. Harrison, vice-president, Connecticut League of Women Voters, will represent their organizations as speakers.

Among other persons who will speak or participate in round table sessions are Mayor R. L. Putnam of Springfield, G. Lyle Belsley, Advisory Commission to Council of National Defense; Mark Matthews, president, United States Junior Chamber of Commerce; Herman B. Wells, president, Indiana University; Alonzo G. Grace, commissioner of education, Connecticut; Norman MacDonald, executive director, Massachusetts Federation of Taxpayers' Associations; Allen H. Seed, Jr., president, National Association of Civic Secretaries; Thomas H. Reed, municipal consultant; Karl Detzer, roving editor, *Reader's Digest*; Daniel D. Mich, New York editor, *Look*; C. D. Jackson, president, Council for Democracy, and a hundred or more others.

General sessions will be held on the two afternoons of the conference, one on "The Fight for Good Government," Monday; the other on "The Reawakening of American Citizenship," Tuesday. Group sessions and round tables will include "The Merit System Advances," "Clinic on American Self-Government," "Proportional Representation," "New Developments in Municipal Finance," "State-Local Relations in Personnel," "The Press and Democracy's Crisis," and "Urban Decentralization."

A "Civic Clinic" will be conducted Monday morning, prior to the opening of the conference, by the National Association of Civic Secretaries. A number of civic organization officials will speak and Allen H. Seed, Jr., president, will preside.

League's President Honored

The League's president, C. A. Dykstra, president of the University of Wisconsin, has recently been appointed Director of the Selective Service by President Roosevelt. Mr. Dykstra has been granted leave of absence by the university to take up his new duties at Washington.

1940 Baldwin Prize Awarded

Ruth Ittner of the University of Washington is winner of the \$100 Baldwin Prize Essay Contest. Miss Ittner's subject was "The Seattle Budget."

Honorable mention has been given to Jack I. Stone, University of Chicago, writing on "Recent Political Trends in Kansas City, Missouri"; John L. Perentesis, Wayne University, "Control and Administration of Low Cost Housing in Detroit"; and Nellie Edwards, Vanderbilt University, "Planning Municipal Services for a Shifting Population in Metropolitan Nashville."

Judges in the contest included Carter W. Atkins, director of the Hartford Governmental Research Institute; James K. Pollock, University of Michigan; and Paul A. Volcker, Town Manager of Teaneck, New Jersey.

President Dykstra Announces Citizenship Program

On behalf of the League President Dykstra recently announced a nation-wide program of coöperation between educational institutions and citizen organizations to increase the effectiveness of American self-government.

"I believe it is an outstanding contribution to the improvement of American self-government," he said. "It provides for the mobilization of vast resources of educational institutions and civic organizations, which is just as important as military preparedness in the defense of the democratic process."

The program has developed out of the national conference of more than thirty national citizens organizations and two hundred educational institutions held at Indiana University in May 1940,¹ which asked the National Municipal League to take responsibility for assembling a program as a basis for coöperative effort by colleges and citizen groups.

By bringing together citizens organizations and colleges, Mr. Dykstra explained, the program will:

1. Make possible more intelligent action at the polls in local, state, and national elections, and increase public knowledge of improved processes of democratic government;
2. Put the colleges at the disposal of citizen groups in each local area to furnish unbiased information, which many such groups now lack, on important public problems;

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¹See NATIONAL MUNICIPAL REVIEW, June 1940, p. 356-358.

National Municipal Review

Editorial Comment

One Way to Pay for Defense

HOW ARE we going to pay for the national defense program? Borrowed money? New taxes? Cutting out existing waste and extravagance?

It will probably be a combination of all or at least of the first two. The third, cutting out needless expense, as a family or a business does when faced with emergency needs, seems logical but none the less most difficult of attainment.

Still, it could be done. Slowly and painfully, it is being done—in spots. Those bright spots have set a pattern which proves conclusively the possibility of saving, by this means, enough to pay the defense bill.

How much would we have to save? We are led to believe the defense program will cost about twenty-five billion dollars. By issuing $2\frac{1}{2}$ per cent bonds on a serial annuity basis, it would cost the government \$881,451,000 a year to finance a debt of this size and retire it in fifty years. This should be a logical, probable cost even without considering that part of this defense bill may represent normal army and navy operating costs and part of it may be paid for in special taxes.

Could we eliminate enough waste and unnecessary existing expense to make up this financing cost of less than a billion a year?

We could—in local, county, and state governments alone.

It isn't solely a matter of big city politicians who wax wealthy on moderate public incomes. Bad as that is, it represents only a small part of the leakage from the public purse.

Many cities, big and little, a few counties, and several states have succeeded in organizing and operating along lines which are comparatively non-political and outstandingly resultful. They have wrought no magic; they have simply made it possible for the fundamental wishes of their people to be carried out without the usual interference by special interests.

Efficient organization, centralized responsibility, purchasing systems which assure the payment of fair prices and which frustrate the high-pressure selling of unneeded or too costly equipment, hiring of competent public employees on the basis of merit rather than as rewards for political service—these are all well known and universally accepted elements of good government.

While their installation is most important because they abate cynical indifference and restore popular faith in self-government, it is especially important now because they save money and lots of it.

One city of half a million saved about a million dollars a year. A smaller city cut operating expenses three-quarters of a million dollars a year. Scores of others, big and

little, have cut from 5 to 20 per cent out of annual costs.

It is remarkable and encouraging to find that, in nearly every case, these economies have brought progress and improvement of services, not injury.

Multiply these savings by the number of communities and counties and states where such progressive measures are ignored or prevented by self-seeking individuals and groups, and there would be more than enough to meet the present emergency.

In principle, the vast majority of the people favor these improvements. The confusion of the average voter, lack of adequate leadership, and failure to recognize the comparative importance of local affairs are the chief reasons why the majority has so frequently been frustrated by

entrenched but well organized minorities which always know what they want and are very certain what they don't want.

This is a peculiarly appropriate time to realize that our local communities are the fountain springs of everything we are and have as a nation. They are the roots and the heart of our entire system—tax revenue, political organization, leadership; indeed, everything goes from the bottom up, not from the top down. Or if it doesn't, it should.

This is the time to discard attitudes such as are expressed, with an indifferent shrug, by such reactions as "Well, that's politics for you," or "You have to expect a certain amount of devilry in a democracy."

That's what they used to say in France, too.

LEAGUE'S BUSINESS

(Continued from Page 711)

3. Provide a pattern of attack, which can be applied locally in the democratic manner, to deal with the pressing problems democracy faces.

Under the program it is suggested that communities may want to establish citizens' councils as coordinating agencies of citizen groups in each area. This step leads to concentration of citizen efforts on specific public questions, including defense. And it provides unified citizen leadership in each community, which can cooperate effectively with the colleges.

Each community, it was suggested, can undertake projects of its own selection and such projects suggested for national emphasis as:

1. Application within school systems of best practices in civic education which will lead to a better understanding of American democracy;
2. Poll of youth opinion to show the needs of young people in each locality and their reactions to important public questions;
3. Citizenship training program for new voters and the induction of twenty-one-year-olds into the privilege and duties of citizenship.²
4. Adoption of improved techniques of local, state, and national government which have proved in operation that they increase the efficiency and effectiveness of democratic self-government.

HOWARD P. JONES, *Secretary*

²See "Citizenship Day in Manitowoc," by S. V. Norton, NATIONAL MUNICIPAL REVIEW, July 1939, pp. 499-508.

Business Women in a Democracy

National woman's organization wholeheartedly accepts "Making Democracy Work" as 1940's keynote for study program of local clubs.

By JOSEPHINE NELSON

The National Federation of Business and Professional Women's Clubs, Inc.

NONE could have been more surprised than officials of the National Federation of Business and Professional Women's Clubs and the staff workers in the New York headquarters (who together evolved it with advice from hundreds of state leaders over the country) when the organization's program book for 1940-1941, *Making Democracy Work*,¹ seemed to be making a real impression outside the 73,000 membership.

Trying to translate the stuff of which American life is made into words is a humbling experience. Trying to make those words so vivid that they will stir 1,600 groups of business and professional women to improve democratic processes in their several communities is apt to deflate the ego entirely. When the little red, white, and blue "digest-size" booklet came from the printer, nobody knew whether or not it was good.

And, besides, it was then almost that terrifying time to set going the laborious democratic machinery by which the 1941-42 focus for federation endeavors is to be chosen. I suppose the stoutest heart would quail before the task of deciding now, in our chaotic world, the logical next step for business and professional

women who are this year striving to "make democracy work"!

Then encouragement commenced to be offered. A Harvard professor, for example, was asked to write an article for the federation magazine, *Independent Woman*, on propaganda that would help the clubs in their October programs on "Voting Intelligently."

He replied: "Until I read your booklet, I was inclined to turn down your request. [The magazine's budget permits only very modest honoraria.] But I became so enthusiastic about your work after reading your booklet that I decided I should help you. As a student of public relations work I must compliment you. I have seen few, if any, superior jobs. . . ."

And, for a second example, came the invitation to write this description of the program for the NATIONAL MUNICIPAL REVIEW.

First, it is probably important to point out that the booklet in patriotic hues is one of a series of "program books," and that a focus for study and programs of all business and professional women's clubs in the country has been recommended each year since 1934.

For some years after the federation was launched in St. Louis in 1919 it concerned itself with increasing opportunities for the earning woman. Then it became evident to these women, who had gone out in the business

¹See also "Citizen Groups Organize Schools for Voters," NATIONAL MUNICIPAL REVIEW, September 1940, p. 617.

and professional world in such numbers during the war years, that their status and opportunities were inevitably linked with general economic, political, and social conditions.

A majority of the federation's policy makers had adopted this broader gauge view by 1931. That year the biennial convention at Richmond, Virginia, adopted a "Ten-Year Objective" that read:

A BROAD PROGRAM

"During the next decade the National Federation of Business and Professional Women's Clubs, Inc., should fit itself to assume real leadership in thinking on economic problems and their social implications, with a view toward helping in the establishment, through scientific methods, of conditions which assure to women, and to men as well, the fullest possible opportunity and reward for the development of whatever capacities they may possess."

A sixty-seven-word star for the clubs to hitch their wagons to! But the need for sturdy coupling rods and pins was evident from the beginning. Feeling about for a way to provide them, the staff offered the national board meeting of 1934 the idea of suggesting that clubs build their serious programs for the following year around "Economic Security for All." The idea was approved by the national officers.

In 1935 "Women Unite for Effective Democracy" was chosen; in 1936, "The Business Woman as Citizen"; in 1937, "Our Town's Business"; in 1938, "My Business and Yours." In 1939 it was decided that in odd years when the biennial con-

ventions were held a theme should be selected to dominate a biennium, and "Making Democracy Work" is only a subtitle, as it were, under the focus, "Business Women in a Democracy," chosen in 1939.

Obviously, any one of the themes could cover the waterfront, and some of the earlier month-by-month suggestions for developing them pretty nearly did. The clubs wailed, "too hard!" or "too much!" They still do. For with the complexity of problems to be faced in the world increasing like compound interest, it is hard to slim down and simplify the approach to their local outcroppings.

There has been intense effort this year, however, to popularize the language of the program book, and translate as many ideas as possible into action suggestions.

"Can human freedom, can kindness, tolerance, and mercy survive the forces of hate and destruction that are marching, marching in the world today?" asks its foreword. "America must have the heart to believe that they will. More, she must have the mind to realize that they can. Above all, she must have the energy, the will to work, *to see that they do.*"

"This conviction is a deep-seated and sincere one among members of the National Federation of Business and Professional Women's Clubs. Their wholehearted acceptance of 'Making Democracy Work' as the 1940 keynote of the biennium study of 'Business Women in a Democracy' proves the strength of their belief. The board of directors and some five hundred state committee chairmen, individually consulted by the national program chairman, [this portion is

quoted to explain the laborious democratic process followed] are in agreement on the point that women must participate more vitally, more intelligently in the everyday mechanisms of government if the people's rights to 'life, liberty, and the pursuit of happiness' are to prevail—if they are to weather the storms coming toward us from *within* as well as *without* our country.

"To aid clubs in coming to grips with the problems in their own communities, this program book of month-by-month suggestions has been prepared with the advice of a group of experts in governmental, economic, and sociologic fields." (Which advice-getting was another important step in the book's preparation.)

THE SEASON'S PROGRAM

Then, after two pages given over to getting a club started, working on the program, and slipping the different committee activities into gear, there is the month-by-month breakdown of the theme, with a color strip to set off the first page of each, as follows:

September—Facing the 1940 Issues

October—Voting Intelligently

November—Our Government

December—Goodwill (the clubs are encouraged to concentrate on social affairs, taking into account refugees and foreign-born)

January—Helping to Shape Legislation

February—Considering the Price of Peace

March—Evaluating Government Services

April—Weighing Government's Cost

May—Taking Stock

After the months' sections, ranging from two to eight pages each depending upon how much illustrative and diagrammatic material is needed, comes an appendix. Here are assembled a number of interesting matters—such as a description of how to set up a school for voters, a "Know Your Government IQ Bee," and an outline of the federation's legislative machine—that required so much space it was thought they would confuse the progression of the months if full details were put in the place where each was suggested.

Each month's suggestions grow naturally out of the subject matter itself. As many as five possible programs are offered some months (with great emphasis upon the fact that they are *alternative* ideas, and not all to be undertaken at once) and it would be impossible to suggest them all here.

But, this being November, let us take a look at how the November section on "Our Government" is developed, by way of illustration.

"You went to the polls. You voted. Are you figuratively dusting off your hands in a 'well, that's that!' gesture? Suppose, instead, that you had gone to the store. You bought something. Aren't you going to *look* at it now that you've brought it home? Don't you expect to *use* it? Aren't you going to see whether you have got good value?"

So begins a page offered as possible introductory remarks of the chairman in any of the plans for meetings. There are five choices offered in November.

Alternative A is on "Charting the Local Government." The club's

public affairs chairman is advised to ask a local civics or social science teacher to lead the meeting. "Let her talk from a blackboard showing a chart of the local government, its appointive and elective officers, its most important departments, and the interlocking devices that make it an efficient unit." There are a number of other specific details. Or, explains the booklet, the same material may be presented through a symposium.

Alternative B undertakes to "air a town problem." The meeting should lead to a program of action, states the booklet.

Alternative C is a comparison through discussion of the mayor-council, commission, and city manager plans of government.

Alternative D offers "A Know Your Government IQ Bee" which is detailed in the appendix.

Alternative E is an "Inter-Club IQ Bee" adapting *Alternative D* to a co-operative effort among groups.

There are then *Additional Suggestions* for clubs that in previous years may have examined their local governments intently. And—of no little importance—each month's section in the program book carries its reference list. Books are listed. Addresses are given of organizations that are sources for information on each month's topic—thus, November's "Our Government" cites the National Municipal League, the United States Conference of Mayors, the Public Administration Service, the Chamber of Commerce of the United States, and state and local governments.

Probably the references most used are those found in the "Program Kit." Since 76 per cent of the federation

members live in towns of less than 50,000 population and 27 per cent in towns under 5,000, it seemed reasonable to assume that available library facilities would often be inadequate. Hence each year for several years a miniature library of the most recent material available in booklet or reprint form bearing upon the different months' topics has been assembled and sold to the clubs at cost.

The clubs are under no compulsion to buy this library, but it is worthy of note that with only 655 sold last year, this year 850 three-dollar kits have been purchased by the clubs.

Finally, almost every issue of *Independent Woman* contains at least one article offering supplementary material on the following month's program.

So much by way of suggesting the practical usable way in which program aids are offered.

EVIDENCE OF SUCCESS

The proof of the pudding? That time-honored "eating" test is a little hard to apply, since until this year the stress in developing the federation programs has always been on study rather than on action, and at first it seemed impossible to check how much study was going on. However, of the 1,594 clubs in the federation last spring, 1,174 in forty-five states and Hawaii reported that they were using at least some part of the national program suggestions. And a thousand and one evidences are to be seen of the growing civic consciousness and increasingly effective citizenship of business and professional women. No one case offers high drama. But in the aggregate the change of emphasis

in activities is impressive. The business and professional women's clubs have climbed out of the society columns and become front-page news in the local press from coast to coast.

While there is no real gauge for the benefit to Columbus, Ohio, from this event described in the local paper of March 29, 1940, everyone will agree the benefit exists:

"The church, the school, government, and the community were discussed point by point in a two-hour symposium at the annual public affairs dinner sponsored by the Business and Professional Women's Club last night at the Neil House. Factors that contribute to the building of Columbus of Tomorrow was the general theme." Leaders of other women's groups were invited—350 women altogether—to talk about such matters.

At many of these public affairs dinners, sponsored by federation clubs throughout the country in the past few years, the coöperation and participation of men's as well as women's organizations is secured. The club in East Liverpool, Ohio, for example, felt so great a challenge in last year's program that they did not wish to confine its benefits to club members. With democracy as the general theme, forum meetings open to the general public were organized and continued throughout the winter at popular demand.

There has been considerable stress on developing participating citizens through encouraging participation of members in club meetings. Business and professional women, in other words, have been encouraged to dispense with speakers from the outside,

to whom they listen passively, in favor of meetings which members themselves stage in group discussion or symposium form, after getting facts through original research. Success along this line is reported from Alexandria, Louisiana:

"Our particular pride is membership participation; practically every member has appeared on at least one program. Largest participation—thirteen members helped to develop the January theme, 'Business and Government Grow Up in our Country,' with stimulating discussion following. The most general discussion followed presentation of 'Economic Ills of the South'."

Reported the club in El Dorado, Arkansas, of last year's work: "Our already lively interest in public affairs was increased by the theme study. The members kept in touch with political affairs and tried to vote intelligently, maintained a club membership in the El Dorado Chamber of Commerce, and coöperated with other civic organizations."

The Tennessee federation sponsored "Citizenship Day," April 25, to honor young men and women of the state approaching their twenty-first birthdays and assist in training them for citizenship responsibilities. A series of essay contests was arranged.

CLUBS IN ACTION

No doubt business and professional women can profit from much, much more such study of civic affairs, especially that shared with the entire community. And the study angle is not now being overlooked, as the samples of material in *Making Democracy Work* indicate. But with

democracy going down to defeat over a rapidly widening area of the earth's surface, this year it seemed wise to steer the federation toward action in so far as possible.

Business and professional women have always taken kindly to action in fields they considered their own. Clubs have offered vocational information to young women, taken up the problems of the older unemployed women, established libraries and "bookmobiles," parks, playgrounds, day nurseries, baby clinics, and health centers, collected funds for milk or shoes or glasses or clothing for needy school children, endowed hospital beds, aided the work of other organizations such as the Red Cross, and so on ad infinitum from one end of the country to the other. And who shall say all these activities do not further the functioning of democratic processes?

Will business and professional women be equally effective in a direct attack upon the ills of democracy?

It remains to be seen. With the dual purpose of stimulating clubs to make practical application of this year's program in their communities, and to report those activities back to headquarters, a contest has been announced with prizes offered "the two clubs initiating and reporting before June 1, 1941, the best achievement during the coming year in the field of local government."

The announcement in the September *Independent Woman* suggested as possible contest projects:

"Perhaps the establishment of improved election procedures. Perhaps a campaign to oust a dishonest government official. Perhaps definite

steps to improve the form of local government, such as a campaign for city manager or council. Perhaps arrangements to train young people for careers in public service. Or a series of seminars on aspects of efficiency in local government, sponsored by club and other organizations; or adoption or improvement of the merit system; or investigation of the qualifications of candidates for local offices, with suitable publicity."

JUDGES FOR CONTEST

Eminent leaders have thought well enough of the contest to promise co-operation, and the judges next June when the reports come in will be Clarence A. Dykstra, president of the University of Wisconsin and of the National Municipal League and recently appointed National Director of Selective Service; Mrs. Walter T. Fisher of Winnetka, Illinois, treasurer of the National League of Women Voters; and Sevellon L. Brown, editor of the *Providence Journal*.

Business and professional women are under no illusions about their ability *alone* to "make democracy work" in their communities. In some places they may be able to initiate needed changes. In far more, increased understanding from study of community problems will impel them to coöperate intelligently in betterment programs others have begun. We shall "make democracy work" in communities everywhere, and in the nation as a whole, only when all men and women of good will who are capable of thought set their minds and hearts to the task.

Detroit—A Tale of Two Cities

Michigan city's metropolitan area extends not only into three adjoining counties but also crosses international boundary lines.

By LAURENCE MICHELMORE
Detroit Bureau of Governmental Research

THERE are two Detroit. One is an economic and social community of over two million persons, living in an area of some 750 square miles. The other is the legal city, which includes within its boundaries only three-fourths of these persons and but one-fifth of the area.

Detroit is, of course, not unique in this respect. The same condition exists in nearly every large population center in the country, with consequences that are familiar to all persons interested in local government.

Indeed, the resulting problem is probably not so acute in Detroit as in most other large metropolitan communities. A larger proportion of the total population is included in the central city and the remaining population is organized in a smaller number of governmental units. In comparison with the 1,600 units in the Chicago area, for example, Detroit is flanked by twenty-two cities, twenty-three townships, and twenty-four villages. Two of the cities, Highland Park and Hamtramck, are completely surrounded by Detroit. Parts of three counties and about a hundred school districts are included in the area.

A distinctive feature in the case of Detroit is that the metropolitan area crosses an international boundary and includes several Canadian municipalities in addition to those already mentioned. The Detroit area is also characterized by an extremely rapid

population increase in recent years, especially from 1920 to 1930, due to the amazing growth of the automobile industry.

Many attempts have been made to adjust the governmental institutions of the area so that they might cope more effectively with the problems which must be met. As in other metropolitan areas attempts have included annexation, the creation of special authorities, intermunicipal co-operation, and the transfer of activities to larger governmental units.

Until recently annexation proved a fairly effective means of adjusting the governmental boundaries to the rapid growth of the region. The area annexed to Detroit in recent decades has been as follows:

	SQUARE MILES ANNEXED
1891-1900	7.09
1901-1910	13.23
1911-1920	38.48
1921-1930	59.65
1931-1940	0.00

No area has been annexed to Detroit since 1926, and there seems to be little prospect of any further adjustment by this method in the near future, as the adjacent areas are well developed political units.

The special metropolitan authority has not yet been an important factor in the government of the Detroit area. Constitutional and statutory provision has been made for such

agencies, but in most cases little has been accomplished, at least until the present.

After a campaign of several years' duration the state constitution was amended in 1927 and legislation enacted in 1929 to provide that metropolitan districts might be created for the operation of parks, sewage disposal, drainage, water supply, or transportation facilities. It may be noted that these are all engineering rather than social or protective functions in spite of urging at the time that broader authority be given. Before this legislation was enacted the area had almost reached the peak of its growth. The most pressing problems had already been met in other ways, principally by the city of Detroit undertaking to provide essential services to its neighbors. For this reason, and because of shortcomings of the enabling act, no metropolitan district has been created under this authority.

PORT DISTRICT ESTABLISHED

Permission to establish port districts was originally given by a legislative act of 1925. After several years of discussion, a Port of Detroit Commission was established. Composed of five persons appointed by the governor, the commission has authority to make harbor improvements and to provide transfer and terminal facilities for the port. Until this year expenses of the commission's rather limited program have been met by the WPA, but an appropriation from Wayne County funds is being requested for the next fiscal year.

The most recent proposal for a special metropolitan authority ap-

peared on the ballot in the November election in the five counties around Detroit.¹ If approved by the voters of two or more counties, a Huron-Clinton Metropolitan Authority will be established, to be governed by a board of commissioners consisting of one person selected by the board of supervisors of each county and two persons appointed by the governor. It will be possible for this agency to plan and develop parks, particularly along the Huron and Clinton Rivers, connecting drives and limited access highways. A special tax of not more than one-quarter mill per dollar may be levied for these purposes. The need for additional park space is generally acknowledged. Opposition is based on the method of financing, which would aggravate a financial problem already acute because of a constitutional over-all tax limitation of 15 mills. The basis of representation in the governing body is also questioned by Wayne County (Detroit) which has the great bulk of the population and would supply almost all the funds.

If this agency is approved, and if the Port of Detroit Commission increases its activity, the special district may yet become a significant type of agency in the government of the Detroit area. So far other devices have been more important.

A number of metropolitan problems have been met by extra-territorial action by Detroit, or by formal or informal agreements between municipalities in the area.

¹Since this issue of the REVIEW goes to press before election reports are available, the results of this referendum will appear in December.

For example, several municipalities adjacent to Detroit are served by the Detroit municipal street railway system. The Detroit water department supplies water to about 325,000 persons in eleven neighboring cities, twelve villages, and parts of thirteen townships. Detroit parks and other public recreational facilities are used by residents of other municipalities in the area. The Detroit Zoo is located several miles outside Detroit limits, and is even in another county. Co-operative relationships have been worked out between several Detroit departments and other nearby agencies. The Detroit police department supplies information about wanted persons, makes its fingerprint file available, and otherwise aids other localities. Some coördination has been achieved in planning for major street improvements and in traffic regulation.

In addition to the surface transportation afforded outside the Detroit limits, the Detroit Transit Commission has authority also to plan and construct rapid transit facilities ten miles beyond the city boundaries. This commission has been unsuccessful, however, in its attempts to secure federal aid for financing a subway or elevated transportation system, and is at present inactive.

The transfer of activities from smaller units to the counties has reduced the number of agencies performing similar or parallel services in the region. Outstanding examples are two of the most expensive of present local government functions—roads and welfare.

Until a few years ago the construction and maintenance of roads and

highways in Michigan was very decentralized. The state, counties, villages, and townships were all responsible for some of the street and highway mileage. Township roads have now been transferred to the counties. Cities and villages still control most of the street mileage within their boundaries. Some of the more important municipal streets, however, are known as state or county roads and are maintained by state and county agencies.

WELFARE ADMINISTRATION

Prior to January 1940, welfare administration was similarly decentralized. Welfare and relief activities throughout Michigan have been organized on a county basis since that date. The public assistance programs which are aided by the federal government are administered on a county basis, but are actually subdivisions of a state agency. General relief is nominally and really under county control. Detroit, because of its tremendous welfare problem, is considered as a separate county for welfare purposes, and maintains its own department.

Counties of over 300,000 population were granted permission to develop and operate water supply and sewage disposal facilities by the state legislature in the 1939 session. The population limit restricts the application of this act at present to Wayne County, which is developing sewage disposal facilities and constructing water mains in the out-county area.

In some cases counties perform other activities which relieve the smaller municipalities of providing services. In the case of Wayne

County a rather extensive system of parks is maintained, library services are offered, and the county sheriff and state police augment the work of the smaller police forces. The county provides teletype service for the local law enforcement agencies. The county also aids local assessing officials in securing some uniformity in their assessing practices.

The assumption of an increasing number of functions by the county, and the fact that Wayne County includes about 90 per cent of the residents of the Detroit metropolitan area, suggest that the most practicable solution for the government of this region lies in the gradual transfer of more and more activities to the county until the need for the numerous smaller units no longer exists.²

COUNTY REORGANIZED

Before this can be accomplished, however, there is widespread agreement that the organization of county government must be almost completely revamped. At present county government in Michigan is extremely disorganized. There is no chief executive or administrator in whom responsibility can be centralized. The chief legislative body is a board of supervisors, with ex officio representation from each township and city in the county. The Wayne County board now consists of 152 members which is unwieldy to say the least. The number is increased every time a new city is organized or a village is reorganized as a city. Detroit residents are particularly critical of the

fact that they pay about 77 per cent of the county's taxes, yet have such limited representation on the board of supervisors that the organization of another out-county village as a city would deprive them of their present slight majority. Many of the county departments and agencies are headed by separately elected officials who are virtually independent of the rest of the county as a consequence.

Because many of the weaknesses of present county government in Michigan are due to provisions in the state constitution, it appears that revision of the fundamental law is a prerequisite for any substantial improvement. Attempts in this direction have been made for the last twenty years, culminating in the submission of "county home rule" amendments to the electorate in 1934 and again in 1936.³ Both proposals were defeated, although they received a favorable vote in the urban counties. However, the total negative vote was great enough (61 per cent in 1934, 56 per cent in 1936) to discourage submission of another amendment which would apply to all counties in the state.

Some thought has been given to an amendment which would apply only to the larger counties, or perhaps to Wayne County alone. This might be done by restricting the application to counties of 100,000 population or more—or to counties of 300,000 or more which would eliminate all but

(Continued on Page 727)

²J. M. Leonard, and L. D. Upson, *The Government of the Detroit Metropolitan Area*, 1934.

³See Arthur W. Bromage, "Bringing County and Township Up to Date in Michigan," NATIONAL MUNICIPAL REVIEW, February 1939, pp. 134-142.

New Orleans Leads in Consolidation

First steps for coordination of city and parish governments taken as early as 1813; city has had few metropolitan area difficulties.

By S. S. SHEPPARD and L. L. MOAK
Bureau of Governmental Research of New Orleans

NEW ORLEANS' talent for the unusual and even bizarre is by no means limited to its food, architecture, or even the antique shops of Royal and Chartres Streets. In the city archives, for example, can be found traces of almost any form of city government in the textbooks and some that are not in the books at all.

Thus, the textbooks notwithstanding, a plausible case can be made for the occurrence in New Orleans of one of the first, if not the first, city-county consolidations. Likewise it can be maintained that New Orleans had the commission form of government three decades before Galveston "invented" it.

Determining the beginnings of consolidation of city and parish (county) governments is as difficult as learning from a suitor just when he first began to fall in love.

Consolidation has long been and still is the natural condition in Orleans Parish. Settlement of the city, generally speaking, was never sparse, starting from the closely settled Vieux Carre and extending later across the canal (now Canal Street) to the Garden District and later to uptown and Carrollton on the one hand, and downtown on the other. There were some plantations, of course, but these were subdivided

rapidly as the "American" portion of the city expanded.

Dependence of the city on its port commerce, its relative isolation by land because of river, lake, and swamps, the French method of colonization, levee and drainage problems—all these and other elements conspired to prevent sparse settlement and extensive metropolitan areas outside the city limits.

Consolidation was natural. In fact the complete separation of city and parish governments would have been much more difficult to maintain than consolidation.

The parish, of course, has roots running back of the Louisiana Purchase and, after a brief experiment along superficial "county" lines following American acquisition, the parish rapidly acquired the functions exercised by counties elsewhere.

The city of New Orleans was incorporated in 1805. Two years later its precincts were recognized as a parish in determining supreme court circuits, and in 1809 settlements on both sides of the river were combined into a parish.

As early as 1813, however, the movement toward consolidation gained headway in legislation providing that "the authority of the police jury (county commission or board of supervisors) of the parish of

Orleans shall not extend to the city of New Orleans within its present limits. . . ."

This then constitutes an early "consolidation by separation." Parish government was excluded from New Orleans and the city was empowered "to exercise within said [city] limits the functions committed by law to police juries." As usual the sheriff and a few others escaped the consolidation.

MEANDERING

Complications soon entered the picture, however, in a bewildering series of changes that can be only partially described here. An attempt to re-install parish-wide government was made in 1822, but just two years later only the powers of taxation and appropriation were left to the police jury (county board). The police jurors outside New Orleans acted for the territory outside while matters of levees, public works, and "policing of slaves" in New Orleans were reserved to the city council.

The height of confusion was reached in 1836 when a federal system of three municipalities was set up on the left bank of the river (comprising all of the then existing city). Under this system each municipality had its own municipal council, which councils combined in a general council for consideration of city-wide matters. A mayor was elected at large. A final touch was added in 1840 when a separate police jury was formed for the right bank of the river.

COMMISSION FORM BEFORE ITS "BIRTH"

Events then took a turn toward a

more reasonable setup. In 1846 the police jury was abolished on the left bank (city portion) of the Mississippi and its power of taxation went, strangely enough, to the three municipalities in the city rather than to the general council.

Six years later the three municipalities were consolidated and a bicameral council established. This process of simplification then proceeded until 1870 brought the final consolidation, which has continued to this day. The police jury on the right bank of the Mississippi was abandoned. Just to make sure of the consolidation, the law subjected to a fine any police juror who sought to continue any exercise of authority.

Most interestingly the legislature in 1870 set up for New Orleans a virtual commission form of government—and this, three decades before the Galveston disaster is supposed to have led to the formulation of the commission plan of government.

The city was governed by seven administrators—one to head each of the following departments: finance, commerce, improvements, assessments, police, public accounts, and waterworks and public buildings.

This form of government lasted for twelve years, followed by thirty years of the aldermanic form. Finally the commission form was re-established in 1912—to which the city still clings despite the parade of municipal progress up other streets.

EXTENT OF CONSOLIDATION

Throughout its varied history New Orleans legislative powers have been vested in the city council; even when the police jury existed within the

city (1822-1846) its ordinance-making powers were quite limited. The police juries have had only residual powers, often merely that of general taxation. Public works have likewise been left almost entirely to the city for decades and remain so today. Finance is entirely a city function as well as budgetary control; the latter however is weakened with respect to courts and a few remaining parochial (county) offices by special laws of the legislature, particularly where the state bears a share of the cost.

Schools are under the elected Orleans Parish School Board, but although its members are parish officials, the situation in actual operation is the exact counterpart of any city school system with an elected board.

Assessing, utility control, health, fire, markets, tax collection for city, schools, and some independent boards, waste and garbage collection—in fact most of the functions are carried on under the direction of the mayor and council or the independent boards with which the city is over-blessed. The sheriffs (New Orleans has two, a civil sheriff and a criminal sheriff) still continue as parish officers but are primarily officers of the courts and not law enforcement officers in competition with city police. Most of the court officers might be construed as parish officers as well as the district attorney, coroner, recorder of mortgages, and register of conveyances.

The differentiation is, however, more technical and legal than actual. The man on the street, if he is aware of any difference, thinks of New Orleans as a parish and city as a

natural situation, seldom if ever questioned. The presence of some parish officials independent of the mayor and council is not unusual in a setup with so many separate boards, commissions, and agencies. (Three city boards are self-perpetuating and one of them has not encountered the democratic process in more than half a century.)

THE RESULTS

The writers of this article have no intention of falling into the common error of ascribing too much importance to the form of government in appraising its results. All too often where city-county consolidation is found alongside well run government, the lazy, but not necessarily accurate, conclusion is likely to be that consolidation has brought about the progress made.

Conversely no blame can be placed necessarily on consolidation for the obvious lag in the government of New Orleans behind many other cities.

Here is a city which has lived under numerous flags, a city originally of French and Spanish settlement. Its laws, traditions, and background vary greatly from those of most other large cities. The economic, educational, and racial problems of the city and region are well known. Politically it has again and again been the football of state politics. As the largest city of the south it is in a relatively isolated position from other large cities.

What sincere student of government would then try to correlate results with the form of government in such a case?

A static view of the operation of city-parish government would in many respects be dismal. The organization setup of the agencies is confused, illogical, and perhaps workable only under strong political organization. Personnel management, assessing methods, budgeting, purchasing, health administration, social services, and other functions leave a great deal to be desired. A view of the *trend* in recent years, however, is vastly more encouraging, and real progress is being made along many lines.

From the standpoint of parish-city consolidation, the union has been so natural that separation would be unnatural. The city is not plagued by the duplication, rivalry, and waste many metropolitan cities face in this respect, nor an artificial union. There has been no extensive suburban development to drain the life blood of the parent city. Land booms and rocketing population have not occurred for decades.

Given then its varied past, its present unusual stability, and its increasing interest in modern governmental methods, this city can carve out a real future for itself.

DETROIT—A TALE OF TWO CITIES

(Continued from Page 723)

Wayne County.⁴

At present, then, a comprehensive solution to the metropolitan problem

awaits the reorganization of county government, at least of the county in which the problem is most acute. When any progress may be realized is entirely a matter of conjecture, although it seems likely that a further attempt will be made within the next two years.

Until a revised county structure permits the transfer of additional activities to that unit, the more serious effects of disintegration are being handled as the circumstances surrounding each case permit. It might be said that governmental processes are being adapted more and more to the governmental needs of the metropolitan community in this item-by-item fashion. There are serious shortcomings to this "process of adaptation," however, as it now functions:

1. It is slow. Adjustments are made, not at the earliest desirable moment, but only after a problem has become pressing.

2. Complete adaptation is not secured. When an adjustment takes place it is likely to be the least that is necessary under the circumstances rather than all that is desirable.

3. The means employed frequently provide temporary relief rather than a permanent solution.

4. The process lacks adequate planning and integration. Adjustments made are piecemeal rather than complete and comprehensive. Each specific problem is worked out without sufficient reference to the general social, economic, and governmental needs of the community.

⁴See J. M. Leonard, "Michigan's County Government, 1938" in this REVIEW, April, 1938, pp. 214-222.

New York Solves Transit Problems

City unifies its transit lines by purchase of privately-owned systems after twenty years of conflict with private interests.

By ARTHUR J. WATERMAN, JR.
New York University

THE idea of the unification of transit facilities in New York City is not new. At least as early as 1909 the desirability and necessity of a comprehensive and coördinated plan for transit development in the city was recognized.¹ But a unified and integrated development of its transit facilities is just what New York City was not able to attain prior to 1940. Instead, we had a picture of multiple ownership and operation, of competition among private transit groups and of competition between lines municipally owned and privately operated and those municipally owned and municipally operated.

Public regulation of private transportation companies had not brought about the desired development because of failure of that control resulting from division of authority between the state and city agencies involved. Eventually it was recognized that, as far as New York City was concerned, the only practicable solution lay in municipal ownership and operation of transit facilities.

The necessity for unification was first officially recognized by the state legislature in 1921. Its action was

the outcome of an acutely critical transit situation that had developed in New York City during the years immediately preceding. As a result of the World War, operating costs of the transit companies had greatly increased, while their revenues had remained relatively stable on the basis of a fixed five-cent fare. The two operating companies under the dual contracts (Interborough Rapid Transit Company and New York Consolidated Railroad Company) had accumulated large deficits; the city was thus faced with the prospect of having to carry its funded subway debt for an indefinite period since it could hope for no revenue from the subways until the cumulative preferentials of the companies were paid. Additional rapid transit lines were badly needed, too, as well as a remedy for existing divided organization and control. Relief had thus become imperative—for the city, for the companies, and for the traveling public.

In 1921 Governor Miller urged prompt action to deal with the situation and maintained that a completely unified system of transportation in New York City was necessary for its future development. It was originally contemplated that unification plans should include all transportation lines within the city, but most of the pro-

¹Cf. address by Calvin Tomkins on New York City's transit problems in Reform Club, *Transit Problems* (1909), 20 p.

posals that have been made during the nearly twenty years of consideration of the problem have concerned themselves only with the rapid transit lines. Even when thus limited, unification remains a tremendous problem, especially from the financial angle. The combined investment of the city and the rapid transit companies in the dual system (not including the original company investments) and in the Independent system amounts to almost \$1,500,000,000, of which the city's share is well over a billion dollars, and these lines carry more than three times as many passengers per year as all the steam railroads in the United States.²

LOWER REVENUES

After 1921 other factors continually emphasized the desirability of unification for both the city and the rapid transit companies. The depression of the early 1930's brought about a decline in traffic. Although the total traffic figure for 1939 (including surface lines and buses as well as rapid transit lines) is only slightly below that for 1930, the decade has witnessed a steady decline of Interborough and Brooklyn-Manhattan rapid transit traffic, together with a decline in street railway traffic resulting from the development of bus competition.³ The competition of the Independent subway lines has un-

questionably been the most important factor in connection with loss of traffic suffered by the privately operated rapid transit lines (particularly the elevated lines), and the decline in earning power thus resulting strengthened the city's bargaining position with respect to the acquisition of the private lines for the purposes of unification.

Also, unification would make possible the acquisition and demolition in systematic fashion of the obsolete elevated roads without the necessity of long drawn-out condemnation proceedings as in the past. Coördination of the Independent system with the dual system lines was considered highly desirable in that it would probably help to reduce the annual burden of fixed charges currently met from taxes.⁴

In New York City the persistent existence of certain obstacles prevented the consummation of any plan for unification of the rapid transit facilities between 1921 and 1939. Among these obstacles we find a prominent rôle played by disagreement as to the details of the plans presented for consideration and by the lack of coöperation between the city and the Transit Commission. In addition there have been legal difficulties centering around the Interborough Rapid Transit Company receivership and the damage suit for \$30,000,000 instituted by the Brooklyn-Manhattan Transit Corporation for alleged breach of contract No. 4. Finally, there has been the unsatisfactory financial condition of the city. Until 1939 it was unable to finance

²For 1939 the number of rapid transit passengers was 1,852,944,000.

³Cf. Regional Plan Association, Inc., "Present Trends Appraised on New York City Transit Lines and Suburban Railroads," *Information Bulletin* No. 48 (December 18, 1939), 8 pp.; and *New York Times*, January 22, 1940, p. 17, sec. 2, col. 8.

⁴That annual burden in 1939 amounted to about \$34,000,000.

through its own resources under the constitutional debt limit the acquisition of the private properties included in the several unification proposals, and the attempt to do so indirectly without actually pledging the credit of the city by means of a Board of Transit Control was in no case found to be acceptable to private interests.

Theoretically, there were two methods of accomplishing unification: recapture and purchase. The city was given the right of recapture under both contracts 3 and 4. The exercise of this right, however, would not have given to the city exclusive ownership of all rapid transit facilities since the original elevateds and subways in Manhattan and the Bronx and the original Brooklyn-Manhattan Transit lines were not included. Also, controversy existed as to when the right of recapture commenced, and the actual attempt to exercise it would have encountered great difficulties. In fact, recapture would have been more disruptive than unifying in its effects.

TRANSIT COMMISSION REPORT

Negotiation and purchase was the alternative to recapture in attempting to accomplish unification, and it was this method that received the most intensive consideration in New York City. The main problems encountered have been the determination of the cost of unification and the method by which payment should be made for the lines. Let us now consider the powers granted by the act of 1921 to the Transit Commission in connection with unification and to the several plans that have been proposed in order to secure that goal.

After making the necessary studies

and investigation the Transit Commission was to prepare a plan of readjustment for the relief of the emergency declared to exist and for the improvement of transit in the city. Such a plan was to secure: (1) effective reorganization of existing railroads; (2) sufficient return to the city from operation so that the city securities issued for construction should be exempt from the debt limit; (3) readjustment of existing company rights and obligations in order to protect their real values and stabilize their securities; and (4) assurance to the people of the city of continued operation of the railroads at existing or lowest possible fares consistent with their just valuations and their safe and economical operation.⁵

In accordance with legislative mandate, the commission, on September 29, 1921, published its *Statement and Outline of a Plan of Readjustment*. This was not a definitive plan; it merely established a basis for procedure in the future. It called for complete unification under municipal ownership of all transit facilities in the city, including surface lines, and for their supervision and operation by a Board of Control and three operating companies which would eventually be completely consolidated into one system. This plan also included provision for a flexible fare. A more definitive plan was submitted to the New York City Board of Estimate in 1923, but no action resulted because of the hostility of the municipal administration to the commission.

Between 1921 and 1926 official activity with respect to unification

⁵New York State Statutes, Laws of 1921, chapter 134, sec. 69.

lapsed. During this period the rapid transit companies were quite willing to negotiate an agreement because of the poor condition of their finances and the low levels at which their securities were selling, but the antagonism of the Hylan administration towards the Transit Commission made any agreement impossible.

In 1926 the Transit Commission was reconstituted by appointment of three new members, and to speed up the process of unification they appointed Samuel Untermyer special counsel to press the commission's inquiry. Both the Brooklyn-Manhattan Transit and the Interborough Rapid Transit groups were invited to participate actively in negotiations, but they refused.

UNTERMYER PLAN

Between 1926 and 1931 the special counsel was actively engaged in formulating proposals in connection with unification. In September 1927 there appeared a preliminary report which did not contain a unification plan, but merely some outlines of some parts of a plan, including a proposed purchase price for the Interborough-Manhattan properties and a recommendation of recapture of the Brooklyn-Manhattan Transit Corporation. On July 12, 1928, Mr. Untermyer prepared and issued the first completely developed plan of readjustment in conjunction with counsel for the Brooklyn-Manhattan Transit Corporation. It contained all necessary provisions with respect to properties, operation, and the like, but it lacked the most important element—price.⁶ Between

1928 and 1930 the Transit Commission unsuccessfully supported certain proposed legal changes closely related to unification, involving proportional exemption from the debt limit for city bonds partly self-sustaining and a clarification of the powers of the Board of Control.⁷

Lack of harmony between regulatory agencies and private transit companies and the obstacles which it placed in the way of a successful and early attainment of unification are well illustrated by the seven-cent fare litigation between the Interborough Rapid Transit Company and the Transit Commission during the years 1928 to 1931.⁸ Although both the Supreme Court of the United States and the New York State Court of Appeals upheld the commission, it is clear that the fare question was merely representative of problems that could never be satisfactorily solved while New York City's transit facilities remained uncoordinated and subject to divided ownership and control.

By the beginning of 1931 the situation with respect to unification had greatly changed from that existing in 1921. The company deficits in connection with their preferentials had been largely extinguished, while the new city subway system was almost ready for operation. Thus, both

Transit Commission Accompanying Proposed Tentative Plan of Readjustment. July 12, 1928. 39 pp.

⁷See Transit Commission reports for 1928, 1929, and 1930.

⁸New York State, Transit Commission, *Eighth Annual Report* (1928), p. 42; *Ninth Annual Report* (1929), pp. 10-11; *Eleventh Annual Report* (1931), p. 30; *Annual Report for the Year Ended December 31, 1937*, pp. 11-12.

⁶Cf. New York State, Transit Commission, *Report of Special Counsel to the*

financially and because they could not be divorced from the city's investment in the new system and its reiterated policy of maintaining the five-cent fare, plans for unification were in a very different setting from that contemplated when the Public Service Commission law was passed in 1921. Unification had become a limited unification, for the Untermyer plan of 1930 did not include all surface lines, as was the case with the 1921 plan.⁹

Mr. Untermyer's *Second Supplemental Report* of December 29, 1930, practically abandoned recapture, proposing instead that the dual contracts be wiped out by purchase of existing rapid transit systems at an aggregate price of \$489,804,000. The city was to own all transit lines and to lease these lines, as well as the Independent system, to a Board of Transit Control which, in turn, would make operating contracts with the management of the Brooklyn-Manhattan Transit system.

BOARD OF TRANSIT CONTROL

In April 1931 the legislature at last authorized the creation of a Board of Transit Control and issuance by it, in conjunction with unification, of tax-exempt securities legal for investment of trust funds,¹⁰ and also amended the rapid transit act to allow the Board of Transportation to negotiate for unification through a private corporation subject only to approval of the Transit Commission.¹¹

The fourth Untermyer plan, issued

in June 1931, was in effect a postscript to the report of December 29, 1930. The companies refused to participate in public hearings on the plan because it had not been approved by the Transit Commission, and shortly afterwards Mr. Untermyer resigned as special counsel.

In October 1931 John J. Curtin was appointed special counsel to the Transit Commission to continue the attempt at formulating a plan of unification. Shortly thereafter the commission issued its tentative plan, dated December 19, 1931.¹²

This plan did not differ fundamentally from the fourth proposal submitted by Mr. Untermyer, although there were certain modifications as to detail including a lower price of \$474,500,000. No plan, after action taken by the legislature in 1931, could become effective without agreement of the city and at least one of the transit companies, in addition to the Transit Commission, and this plan was labelled "tentative" because it did not represent the necessary agreement.

Between 1931 and 1935 official action in connection with unification was of an indecisive and largely investigatory nature because of the precarious financial condition of the city and conditions in the securities markets. In January 1933 the Transit Commission furnished the O'Brien administration with a memorandum

⁹Cf. New York City, Mayor's Committee on Taxation, *Memorandum on The Cost of Rapid Transit to the City of New York* (May 1, 1931), p. 7.

¹⁰New York State Statutes, Laws of 1931, chapter 689.

¹¹*Ibid.*, chapter 682.

¹²New York State, Transit Commission, *Tentative Plan and Readjustment Agreement for the Readjustment and Unification of Rapid Transit Railroads and Related Power Properties in The City of New York*. New York, December 19, 1931, 120 pp. The plan was approved by two of the three members of the commission, Commissioner Lockwood dissenting.

containing a study based on an aggregate price for the companies' properties of \$420,000,000. This memorandum was not a new unification plan, but only a summary of the commission's 1931 plan with consideration of subsequent developments.¹³

UNIVERSITY REPORT

In February 1934 the New York University Division of Public Administration, of the Department of Government of Washington Square College, presented a statement of principles—not a formal plan—with respect to transit unification, while renewed official activity began in the same year with the appointment of a special committee of the Board of Estimate—consisting of Judge Samuel Seabury and City Chamberlain A. A. Berle, Jr.—to take up the problem. Under the important 1935 law, the Transit Commission was to prepare a plan of unification, to fix fares—subject to referendum vote on any increase above the five-cent rate, and to have valuations made of the properties included in the plan. After hearings, the plan was to become operative upon declaration of the commission approved by the Board of Estimate. Finally, there was to be created a Board of Transit Control of eleven members appointed by the mayor of New York City with the concurrence of three-fourths of the Board of Estimate.

¹³New York State, Transit Commission, *Memorandum on Development of a Plan for the Readjustment and Unification of Rapid Transit Railroads and Related Power Properties in the City of New York*. Bureau of Unification and Transit Adjustment, Jan. 23, 1933, 78 pp., mimeo., tables.

The first results of the renewed activity in connection with unification were the Brooklyn-Manhattan Transit and Interborough Rapid Transit-Manhattan memoranda of understanding of February and November 1935, respectively. These were not definite plans, but merely unification terms which public and private representatives were prepared to recommend to their principals. This was the first time that public understanding had been reached by representatives of the private interests on any plan setting forth the prices to be paid. A definitive plan agreement, the Seabury-Berle plan, was submitted to the Transit Commission in June 1936, and we must keep clearly in mind the fact that it represented the city's views as to the terms that should be substituted for those transmitted to the Board of Estimate by the Transit Commission in 1931 and 1933 and that for the most part the commission had not been included in the negotiations which led to the drawing up of this plan.

Essentially, the Seabury-Berle Plan¹⁴ provided for acquisition of the rapid transit and power plant properties of the I. R. T. and B. M. T. systems by the city at an aggregate price of \$436,000,000 to be made up largely of bonds issued by a proposed Board of Transit Control. These properties, along with the In-

¹⁴Cf. New York State, Transit Commission, *Definitive Plan and Unification Agreement Proposed for the Acquisition and Unification, under Public Ownership and Control, of Rapid Transit Railroads, and Related Power Properties in the City of New York*. Draft Submitted to the Transit Commission, State of New York, June 22, 1936, 193 pp.

SUMMARY: MAJOR FEATURES OF UNIFICATION PLANS

Plan	Properties Involved	Purchase Price	Method of Payment	Method of Acquisition	Control and Operating Agency	Fare
	All lines Incl. Surface		Exchange of securities	Exchange of leases	Board of Control and three operating cos.	5-cent 1 year. Then cost of service
1. Transit Commission Plan, 1921						
2. Untermeyer Plans, 1927-1931						
a. Preliminary Report—Sept. 1927	Subways & elevateds	\$245,594,000 (IRT)	Bonds of City of N. Y.	Purchase and recapture (BMT)	Board of Transit Control	Fixed at 5 cents
b. Proposed Plan and First Supplemental Report, July 12, 1928	Subways & elevateds	No price	Bonds of the Public Corp. to be refunded by the city	Exchange of leases	The Public Corporation	Basically 5 cents, and sliding scale
c. Second Supplemental Report, Dec. 29, 1930	Subways & elevateds	\$489,804,000	Cash or city corporate stock & Board of Transit Control bonds	Purchase	Board of Transit Control & BMT	5 cents
d. Proposed Plan and Third Supplemental Report, June 10, 1931	Subways & elevateds	\$489,678,000	City securities and Board of Transit Control bonds and debentures	Purchase	Board of Transit Control	5 cents
3. Transit Commission Tentative Plan, Dec. 19, 1931	Subways & elevated, incl. independent system	\$474,500,000	Board of Transit Control securities, or, at city's option partly in cash or such securities	Purchase	Board of Transit Control	Fixed at 5 cents
a. Summary of and Supplement to 1931 Plan, Jan. 23, 1933	Same	\$420,499,000	Same	Purchase	Same	Same
4. Research Committee Plan (New York University) 1934	Rapid transit lines, street railways and buses	None	Left open	Recapture	Special Transit Corporation	5 cents
5. Memorandum of Understanding with B. M. T., Feb. 19, 1935	Rapid transit and power plant properties	\$192,500,000	Cash or city corporate stock, assumed mortgages and Board of Transit Control bonds	Purchase	Board of Transit Control	5 cents
6. Memorandum of Understanding with I. R. T., Nov. 1, 1935	IRT-Manhattan properties	\$238,251,000	Same	Purchase	Board of Transit Control	5 cents
7. Seabury-Berle Definitive Plan, June 22, 1936	IRT-BMT city rapid transit lines	\$436,157,220	Partly cash, partly city corporate stock and partly securities of Board of Transit Control	Purchase	Board of Transit Control	5 cents
8. Memorandum of Understanding with I. R. T., March 4, 1938	IRT-Manhattan properties	\$170,000,000	City bonds and corporate stock	Purchase
9. B. M. T.-B. Q. T. Plan, 1939	Rapid transit, surface and power plant properties of BMT	\$175,000,000	City bonds, cash, or combination	Purchase	Board of Transportation	Not mentioned
10. I. R. T.-Manhattan Plan, 1939	IRT subway and elevated properties	\$151,000,000	City bonds and assessment bonds	Purchase	Board of Transportation	Not mentioned

dependent System, were to be leased to the Board of Transit Control for seventy-five years for operation as a unified system on the basis of a five-cent fare subject to change by the Board of Transit Control only with the consent of the Board of Estimate and in accordance with the referendum provision of the 1935 law. In May 1937 the Transit Commission rejected the Seabury-Berle plan, and, once again, efforts to attain unification were thwarted by the perennial lack of coöperation between the city and the Transit Commission.

Beginning in May 1938 representatives of the city participated in negotiations with the Transit Commission and representatives of the companies which eventually led to the unification plans of 1939. Commissioner Fertig introduced into the Constitutional Convention of 1938 a proposed amendment excluding from the debt limit of the city \$315,000,000 for the unification of transit facilities. It was adopted by the convention and approved by the voters at the general election of November 1938. During 1939 unification negotiations were continued and brought to a successful conclusion, while the first five and a half months of 1940 have witnessed the final consummation of those plans.

UNIFICATION ACHIEVED

The unification plans of 1939 provide for the acquisition by the City of New York of the properties of the Interborough-Manhattan Transit system and of the Brooklyn-Manhattan Transit system with its power, street surface railway, and bus properties for \$326,000,000,¹⁵ and give complete

control over the unified systems to the City of New York, subject only to the broad provisions of applicable state statutes. For the Brooklyn-Manhattan Transit and Brooklyn-Queens Transit properties \$175,000,000 were allocated, and for the Interborough-Manhattan properties \$151,000,000—payment in both cases to consist of city corporate stock bearing interest at 3 per cent. The B. M. T.-B. Q. T. plan was promulgated in April 1939, and declared operative on March 1, 1940. Corresponding dates for the Interborough-Manhattan plan were July and November 1939. On June 1, 1940, the city took over the B. M. T. lines and is now operating them, while on June 12, 1940, it took title to and began to operate the Interborough-Manhattan transit properties, difficulties in connection with the receiverships having been cleared up earlier in the year. The comprehensive network now operated by the city is known as the New York City Transit System and consists of three divisions: the Independent, the Interborough Rapid Transit, and the Brooklyn-Manhattan Transit.

Neither of the plans above mentioned the fare or the operation of the properties after they had been acquired by the city—in contrast to previous plans. Thus, the city under unified operation may increase the fare if necessary, although it was one of the underlying assumptions of the negotiators that the five-cent fare would be retained. The legislature has, in fact, specifically given the

(Continued on Page 766)

¹⁵Cf. New York State, Transit Commission, *Annual Report for the Year Ended December 31, 1939*.

Judiciary Up to Date

Problems which press for solution include reorganization of the courts as well as methods of selecting and retiring judges.

By JOHN A. PERKINS
University of Michigan

AN IMPORTANT phase of the constitutional history of the states is the growth of powers of the executive and judicial branches. Unlike the coördinate executive branch, the judiciary has not been followed with a comparable interest by students of government or by the citizenry in general. Further, these two departments have gone through a parallel process of democratization which has made their exercise of increased power somewhat irresponsible.

In the executive, demands of efficiency have compelled attention to reorganization; for similar reasons the pressing problems of the courts are now compelling consideration. General reorganization of the state judiciary has yet to become an accomplished fact in any state. The hierarchy of the courts still lacks unity and administrative direction; the personnel of the courts on all levels is still popularly elected in most states and the rules of practice and procedure continue to be patched rather than overhauled by legislators.

Nevertheless, the impression should not be given that the judiciary has made no progress whatever in meeting problems relative to the courts. Foremost among those problems pressing for solution are two: organization of the courts and methods of selecting and retiring judges. What has been suggested and, more im-

portant, what has been accomplished in solving these two problems?

Optimism might permit one to forecast that unification of courts is on the way. Its origins may be discovered in Virginia where the little-admired justice of the peace has had his functions usurped. There the counties were permitted to authorize circuit judges to appoint assistants (trial justices) on salary to perform all the duties within the jurisdiction of the former justice courts.¹ The following advantages of the modern Virginia trial justice system soon became apparent and account for the adoption of the present state-wide system within a very few years: (1) much greater assurance of securing men of character and ability; (2) enlarged jurisdiction; (3) retention of the simple procedure of the old justice courts; (4) lower cost than in the old "justice-at-a-price" system. A lawyer in a neighboring state, Arthur F. Kingdon, testified recently: "In all the trial justice courts of Virginia in which I have appeared I have found good personnel. In the county adjoining us on the east we have . . . an outstanding lawyer—a man who has often been spoken of as qualified to occupy either circuit or

¹Acts relating to this change are found in Acts of 1934, page 466 *et seq.*; Acts of 1936, page 615 *et seq.*; Acts of 1938, page 153; Code of Virginia, Section 4987-a *et seq.*

supreme court bench." In Virginia it is felt that the system is so simplified that concurrence of the appellate and circuit court judges in respect to administration brings about *de facto* unification with no further law.

North Carolina by legislation in 1937 sought to get relief from a system which foists upon the state several thousand justices.² As in Virginia, the plan is optional, but, unlike Virginia, it is not actually a part of the superior court. Rather, in those counties whose commissioners adopted the plan, it offers an alternative for litigants who wish something better than local magistrates can provide. The judges are lawyers, appointed by the governor; however, their salaries are determined by the county board. The judges may continue to practice while serving in this capacity. The new "county civil courts" have justice-of-the-peace jurisdiction and much of the superior court's civil jurisdiction in actions involving not more than \$1,500.

CHANGES IN INDIANA

The Indiana magistrates court act, effective June 30, 1939, was designed to create a minor court system which would be an integrated part of the judicial system of the state.³ If the new act is adopted on a large scale throughout the state, the situation will be similar to that of Virginia, especially in providing responsible control of magistrates by judges of the higher courts. The local judge of the circuit court has supervision

over the magistrates court of each county. For instance, the circuit judge has powers of appointment and removal with respect to each magistrate, of assignment by consent temporarily to a certain locality or to a certain type of case, of fixing hours and sessions of court, and of providing magistrates with a suitable court room, court officers, and supplies.

Governor Herbert R. O'Connor of Maryland pressed the legislature to enact radical changes in the justice courts of that state. In his inaugural address on January 11, 1939, he candidly admitted that criticism and adverse comment concerning the minor courts have been justifiable. He went on to condemn the justice-of-the-peace system as a "justice-at-a-price" system. For the justices of the peace in counties he urged the substitution of "one or more central courts in each county for the trial of such civil and criminal cases as now go before the magistrates. Judges of such courts should be compensated on a salary basis and the fee system abolished."

Because of the Governor's stimulus, the state legislature went as far as the constitution permitted in revising and strengthening the local justice courts throughout the state. The justice-of-the-peace system has been undermined by the creation of "trial magistrates" and the mandatory provision that the justices must transfer to the new courts, on demand of one of the parties, all cases, civil or criminal, begun before them.⁴ As judicial officers, the fee-justices are in effect liquidated through limiting

²Public Laws of North Carolina, 1937, ch. 437, p. 894 *et seq.*

³See Acts of Indiana, 1939, ch. 164, p. 753 *et seq.*

⁴Laws of Maryland, 1939, ch. 720, p. 1523 *et seq.*

their activities to taking bail and fixing for them an annual salary of twenty dollars.

A completely unified court system is a distant but not unachievable goal in the light of what has been accomplished in integrating the system of minor courts. Unification has gone much further than was believed possible a few years ago; constitutions do not confine the problem to academic speculation for these states illustrate that much improvement is attainable within the constitutional *status quo*. Our present state judicial systems are weakest and poorest in their local features. These improvements making for unification will certainly improve the character of local justice, a consideration which becomes even more significant when it is recalled that it is in these lower courts that the great bulk of litigation is tried, and it is here that "the cause of the forgotten man is heard and settled."

SELECTION OF JUDGES

In the solution of the problems confronting the judiciary most effort has been expended in an endeavor to remedy the process of selecting and retiring judges. Possibly the interest this problem evokes is due to growing dissatisfaction with popular election of judges—the practice in 75 per cent of the states. In seven states judicial officers are appointed by the chief executive either with the advice and consent of the upper branch of the legislature, or with confirmation by a council. In four states the legislature itself selects the judges. The widely-heralded California plan adopted by constitutional amendment

in 1934 deserves to be set apart inasmuch as it constitutes a break with tradition. The plan combines appointment by the executive with a measure of popular control.⁵

The elective, fixed-term principle was recognized almost from its inception to be a far from perfect system. The vices of industrialism, urbanism, and spoils politics have emphasized the inherent weaknesses that were not to be overcome by mere nonpartisan ballots or separate judicial elections.⁶ The only alternative seemed to be that offered by the advocates of the "federal plan." It first became possible to move off this dead center when the simple but surprising proposal was made that appointment be limited to a list certified to the governor by a non-political, non-salaried citizens' commission. The difficult problem of tenure was not solved by this proposal. This problem was met in 1914 by a plan devised by Albert M. Kales. It is this plan—generally called the "Chicago plan"—which has been combined with the nomination-commission plan and recommended by the House of Delegates of the American Bar Association as the model.

The plan consists in nomination by a judicial commission, composed variously of representatives of the state judiciary, laymen, and in some cases lawyers, which nominates from three to five men for the vacancy.

⁵California Constitution, Art. VI, sec. 26.

⁶Thirteen states provide for nonpartisan ballots: Arizona, California, Michigan, Minnesota, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Washington, Wisconsin, Wyoming. Illinois and Wisconsin provide for election at odd times.

From among these three or five, the governor then exercises his choice for appointment. At the end of the judge's first term, his name is submitted to popular vote on the issue "Shall Judge be reappointed?" No party label is put on his name, and no other name is put up against him for the voters to choose between them. If the incumbent loses in the popular vote, his place is thereby vacant, and the executive appoints another person for the new term.

Although this plan had achieved the status of a classic to the lawyer, in comparatively few states has the general public been familiarized with the proposal, and in still fewer instances has it actually been presented to the voter. In the seven states in which definite proposals have been recommended, they have been voted on as initiated referenda in only Ohio and Michigan. The suggestion for an appointive judiciary came in Wisconsin from the committee on judicial selection of the state bar. Submitting its proposals in 1934 the Wisconsin committee then recommended that the nominating commission be composed of lawyers; recently, however, it has modified its stand so that its present recommendation is for half lawyers and half laymen.⁷ From the standpoint of attracting popular support for the change, this alteration greatly increases the recommendation's chance for success.

In Iowa and Utah the proposals came a step nearer success through being introduced in the legislature as constitutional amendments. The

amendments were well drawn and complete, embodying the best aspects of the model plan. In Iowa the measure failed to pass; in Utah it looked promising after the Senate adopted the measure by a vote of seventeen to two, but it was not reported out of committee in the House. Only in these states have the changes in the judiciary come within the range of practical politics.

PENNSYLVANIA REPORT

The Committee on Judicial Council of Pennsylvania is of the opinion that the "Chicago plan" should be adopted for that state to free the courts as much as possible from political influence. The special significance of the committee's report is that the model proposal could be enacted into law without alteration of the Pennsylvania constitution and that it would apply to judges presently in office.

There has been some activity toward revising judicial selection in the direction of appointment in Florida, Georgia, Kansas, Kentucky, North Dakota, and Washington. Except for Georgia, where the movement originated in the State University's Institute for Public Affairs, the movements have all begun with the respective state bar associations. Except for Washington, the movements have likewise ended there.

In Washington the backers of the plan did succeed in getting it before the legislature but "due to the usual turmoil existing between branches of the legislature" no action was taken.⁸ The Washington plan was not included among those advocating the

⁷*Journal of American Judicature Society*, Oct. 1938, p. 128.

⁸*Journal of American Judicature Society*, Aug. 1937, p. 59.

model plan since it violates one of the foremost principles, namely, to center the responsibility for appointment in one individual. The Washington plan entrusts appointment to an eleven-man commission; choice is by majority vote of the commission. This plan therefore is open to all the criticisms levied against appointment by a group of any kind, be it legislature, council, or commission. There is opportunity for "passing the buck" and no possibility of pinning responsibility on the shoulders of a single individual. Vesting ultimate powers in the hands of the governor is the solution the model plan offers.

In Ohio and Michigan advocates of "the new way to choose judges" took advantage of popular initiative of constitutional amendments and were able to submit their propositions to the voters in the fall election of 1938. The voters approached these propositions with the conservatism that has marked the use of constitutional initiative in the past, refusing to endorse either measure. Failure was not due entirely to conservatism of voters, however, for, as we shall see presently, there were other factors which compounded to lead to defeat. The Ohio plan provided for appointment by the governor but reverted to the federal plan inasmuch as confirmation by the Senate was required. The governor was to make his appointment from a list of three to five lawyers nominated by a judicial council of eight members composed of one judge from each of the appellate, common pleas, probate, and municipal courts, to be selected by his colleagues, three attorneys to be appointed by the governor, and the

chief justice of the supreme court as president. Members were to be restricted to two terms of three years.

Each judge so appointed would have had to run against his record without opposition at the end of each six-year period. If a judge in office when the new system was adopted was not appointed at the end of his term, he would have been permitted to run against the person appointed to succeed him, and, if successful, would have assumed the status of an appointed judge. The amendment was mandatory as to the supreme and appellate courts and applicable to the trial courts of record in the districts which might vote acceptance. Any district might have rescinded such action by vote after trial.⁹

MICHIGAN OBSTACLES

The plan submitted in the Michigan test unfortunately was applicable only to justices of the supreme court. In this case the judiciary nominating commission was composed of nine members—a justice of the supreme court, a circuit judge, and a probate judge elected by the judges of their respective courts, three laymen appointed by the governor, and three members of the bar to be appointed by the commissioners of the state bar. The inclusion of laymen was a step forward in this plan over the undivided control of lawyers in the Ohio judicial commission. Even in Michigan, however, the cry was raised that judges so chosen would be little more than "placemen" of the legal guild.

The plan had two major draw-

⁹Fred J. Milligan, "The Proposed Changes in the Selection and Tenure of Judges in Ohio," *Ohio State University Law Journal*, March 1938, pp. 166-170.

backs: First, it allowed the judiciary commission to present a "nomination or nominations" from which the governor was to appoint the justices of the supreme court. If the commission made but one nomination, the governor would have been obliged to appoint that candidate or wait upon an alternative nomination by the commission. If he took the first course, then the appointment would be tantamount to one made by the commission and hence open to the condemnation of no individual responsibility for the appointment. A second and greater drawback which accounted for a large degree of popular disfavor was the complete omission of the provision whereby the electorate might pass judgment on incumbents running against their records at the end of their terms. Whenever this proposal has been included, it has noticeably increased lay support.

THE MISSOURI PLAN

Missouri's election this fall is the cynosure of all interested in judicial selection. The constitutional amendment submitted may be looked upon with greater favor than some of its unsuccessful predecessors in other states since it has broad provisions for voters voicing their approval of judges and their records.

The amendment provides for appointment of judges of the supreme court and of the three courts of appeal located in the districts of St. Louis, Kansas City, and Springfield. The governor appoints from a list of three nominated by a judiciary commission consisting of the chief justice of the supreme court, three lawyers to be elected by members of the bar resid-

ing within each of the three court-of-appeal districts and three laymen, one to be appointed by the governor from each of the three districts. If the governor chooses not to appoint any of the three nominees, the judiciary commission is required to make three more nominations from which the governor shall appoint.¹⁰

The rather limited experience in submitting amendments for an appointive judiciary to a vote of the electorate seems to indicate that their chance for success is directly proportional to the popular control allowed. The Missouri plan provides for it in three ways: (1) appointees must run against their records at the first general election after they have served one year, (2) sitting judges run against their records at the end of their terms and continue in office for twelve years, unless rejected by a majority of those voting on the question equal at least to 25 per cent of the voters of that particular election; (3) a recall provision is also included by which 8 per cent of the voters may by petition require any judge to run against his record at the following general election.

Missouri's plan continues with a unique and admirable means for making application of the appointive system to the circuit judges. In most states—Ohio, for instance—the proposal is adopted merely by local option and the state judiciary commission extends its sphere of nomination. In Missouri, however, the vote of a judicial circuit to adopt the plan

¹⁰Pamphlet, *Preliminary Report of the Committee of Judicial Selection and Tenure*, published by the Bar Association of St. Louis.

creates a circuit judiciary commission of five members. This commission then certifies three names to the governor and the procedure is the same as for higher judges.

Although this plan originated and received its first great impetus from the Missouri Bar Association, it has been actively sponsored by the recently organized Institute for the Administration of Justice, a vigorous state-wide field organization, composed of both laymen and lawyers.

Promoters of the amendments in Ohio and Michigan were of the opinion that the plan did not receive the approbation of the voters because they had not been educated to the merits of the plan. This explanation, however, seems to reflect wishful thinking. There were arrayed against the plan in both states antagonistic forces. In this instance the C. I. O. and A. F. of L. were as one. Several metropolitan dailies in each state were ready to voice the opinion of the opposition. In Ohio the feeling of the farmers was expressed by their state grange, which came out against the plan.¹¹

While there was a considerable degree of organized opposition, there was but languid interest in the group that might have been expected to be the spearhead of the offense—the state bar.

In the face of this lack of interest, it is apparent that citizens do not realize that next to tax-gathering, the

judicial function of the state touches the individual most vitally.

SUCCESS IN CALIFORNIA

California remains as the one conspicuous example in recent years of successfully meeting the problem of judicial selection. There they were able to meet the demands both of expediency and good government practice. The salient features of that plan are familiar. A first test in actual practice of judges running on their records is interesting. The result was a two-to-one affirmative vote for all judges, although a majority of affirmative votes is all that is required to retain the incumbent for an additional term of twelve years.

A corollary of any consideration of selection of judges is consideration of a retirement scheme. Examination of the laws discloses that nineteen states in all had a retirement system, either compulsory or optional, in 1929. Ten years later twenty-four states provided in some manner for the retirement of their judges. The ages of retirement vary from sixty to eighty years with years of service from seven to thirty.

Although no reorganization in the judiciary is comparable to the administrative reorganization that has taken place in New York and Virginia, efforts to modernize the judiciary have certainly become a significant aspect of reorganization of state government. The judiciary lags behind other departments, the judiciary remains in almost every state the unreconstructed department of government, but as has been pointed out judicial reform has not been without attention.

¹¹Howard D. Barkdull, "Analysis of Ohio Vote on Appointive Judiciary," *Journal of American Judicature Society*, Feb. 1939, p. 197.

Contributors in Review

AFTER having trained in the west (A.B., University of California at Los Angeles) and in the east (Ph.D., Harvard), **Laurence Michelmore** (*Detroit—A Tale of Two Cities*) has settled down in the middle west as assistant professor of government at Wayne University—where he is in charge of Wayne's program of in-service training. He is also a staff member of the Detroit Bureau of Governmental Research and assistant secretary of the Governmental Research Association, whose headquarters are in the Detroit bureau. Dr. Michelmore's past includes some time on the staff of the California Emergency Relief Administration and on the staff of the Idaho Works Progress Administration.

A NEWSPAPER WOMAN since undergraduate days, when she was a reporter for both daily papers in Lawrence, Kansas, **Josephine Nelson** (*Business Women in a Democracy*) is now associate editor of the *Independent Woman*, published by the National Federation of Business and Professional Women's Clubs. Once she edited a chain of three community weeklies in Chicago. As an occasional free-lancer, Miss Nelson has contributed to such diverse publications as *Fortune*, the *London Morning Post*, *County Life*—and the NATIONAL MUNICIPAL REVIEW.

WITH backgrounds of research and teaching, **S. S. Sheppard** and **L. L. Moak** (*New Orleans Leads in Consolidation*) came to the Bureau of Governmental Research of New Orleans in 1937 and 1938, respectively, as, respectively, executive director and assistant executive director. Mr. Sheppard's research record includes time with the Boston Good Government Association and the Boston Municipal Research Bureau. Mr. Moak taught government at the University of Texas. Both collaborators took leave from the research bureau from April to July, 1940, in order to assist Louisiana's new governor Sam H. Jones, in the formulation of the state budget and financial planning.

AS SECRETARY to Senator Arthur H. Vandenberg from 1936 to 1938, **John A. Perkins** (*Judiciary Up to Date*) added an unusual practical phase to his pre-baccalaureate days. Immediately thereafter he received his A.B. from the University of Michigan, and M.A. from the same institution in 1939. Now he is a teaching fellow in the political science department. Mr. Perkins has contributed to the *American Political Science Review* and to *Social Education*.

ARMED with two degrees from Harvard, **Arthur J. Waterman, Jr.** (*New York Solves Transit Problems*) came in 1933 to New York University as an assistant in government. Since September 1937 he has been instructor in political science at the School of Commerce of the same university. Now he has a third degree from New York University—a Ph.D. in public administration. Aside from teaching, Dr. Waterman has done independent research.

Researcher's Digest: November

Defense and the American city; tax-exempt real property in Oregon; Des Moines bureau achievements; St. Louis bureau on the air; new Ohio bulletin; researchers in Virginia.

WHAT will national defense do to American municipalities?

Two different observations on this general theme are made by two local bureaus of governmental research. The **Commission on Governmental Efficiency and Economy of Baltimore, Maryland**, sees in the enormous financial demands of defense preparation a threat of intolerable tax burden upon the average citizen (*Your Tax Dollar*, No. 256). But since national defense must have the "right of way," the commission maintains, it behooves Baltimore municipal government to pare to the bone its own expenditures in order to leave the taxation reservoir free for federal defense demands.

Cost of Government

Analyzing the financial situation in terms of the Baltimorean, the commission finds that the total annual cost of government—federal, state, and city—per person in Baltimore has increased from approximately \$105 in 1920 to more than \$150 in 1940. During the same period the net debt per person in Baltimore for all government has increased from approximately \$330 to \$430.

To quote the commission: "On top of these large and rapid increases there now is about to fall the billions that must be raised for the new national defense program. . . . That program will impose additional requirements upon the state of Maryland for public improvements such as better highways and for other military purposes. The national program seriously impairs the

capacity of the taxpayers to provide for local city projects and requirements." Hence, "the all-important effect of the defense program is that it will leave a smaller proportion of the community's resources for purposes of local municipal government."

—While in Milwaukee

An opportunity for Milwaukeeans to contribute public works for national defense is how the **Citizens' Bureau of Milwaukee** looks upon the recent defense developments (August 31, 1940, bulletin). The bureau reproduces in part Public Resolution No. 88 of the 76th Congress which provides that WPA funds can be used by the state and local governments for purposes of national defense. About \$8,000,000 of federal money for Milwaukee County in 1940 (and a similar amount in 1941), with local contributions of only \$1,750,000, the bureau estimates, will be available for local citizens for financing armories or public works important for military or naval purposes.

Looking back through the past five years, the Milwaukee bureau finds that the county of Milwaukee alone received close to \$75,000,000 from the federal government for WPA purposes, with less than \$11,000,000 additional coming from the locality. And the WPA wage bill (financed from federal funds) in the county was substantial, too. For the first four months of 1940, alone, the WPA wage total was over \$4,000,000. Exhorts the bureau: "Out of the ample funds available let's get something worthwhile for national defense."

How's and Why's of Tax Exemption

"Of growing concern to those units of local government throughout the United States dependent upon the property tax as their principal source of revenue is the increase in tax-exempt real property."

Thus the study of "The Nature and Value of Tax-Exempt Real Property in Three Oregon Counties," by the **Bureau of Municipal Research and Service of the University of Oregon**, achieves a significance far more general than its title might at first indicate. In twenty-seven mimeographed pages there is closely packed a mine of concise information on the tax-exemption situation in these three localities, with data on the kinds of property exempt, their value, and why they are exempt.

Some of the significant findings:

"Approximately one-sixth of the value of real property of Linn County, one-fifth of the real property value of Marion County, and one-third of the real property value of Lane County is exempt from the property tax."

"In these three counties over one-half of the exempt property is exempt by reason of federal ownership. State ownership accounts for 20 per cent, and local governments combine to own nearly another 20 per cent of the exempt property. Nearly 10 per cent of the exempt property in these three counties is in private ownership."

"It should continually be borne in mind that . . . federal property . . . makes some payment in lieu of taxes."

"Some of the municipally-owned utilities in the three counties do provide free services to the cities and services at reduced rates to other governmental units. This may be regarded as a form of contribution in lieu of taxes."

"Included in the county-owned property are many which have been foreclosed on account of tax delinquency."

"Forty-seven per cent of the city-owned property located in these three counties is located outside of the limits of incorporated cities, consisting largely of utility and airport facilities."

"Eighty-one per cent of all privately-owned exempt property in the three counties is located in cities where it receives various local governmental services, constituting nearly 25 per cent of the exempt property within cities."

Albany, Salem, and Eugene are some of the chief cities located in the three counties which were surveyed.

Saving Money for Iowa

A saving of \$500,000 a year to Iowa taxpayers by successfully fighting in the courts a law which would have had the state pay school taxes for farmers in certain localities is one of the achievements of the first six months of 1940 listed by the **Bureau of Municipal Research of Des Moines** in a letter of September 6.

Other highlights: a small net reduction in total tax dollars for 1941, after weeks of work on the 1940 property tax levies by the bureau and the Citizens' Tax Committee; substantial reduction of the time necessary for record-keeping by county relief workers as a result of a bureau study of relief department methods; recommendation of election economies to the county auditor; discovery of laxities in local relief administration and formulation of a remedial program, part of which is already in operation.

Broadcasting Research

During the month of October a St. Louis radio station donated five fif-

teen-minute periods to the **Governmental Research Institute of St. Louis**, the institute reports in *Dollars and Sense in Government*, No. 13. The broadcasts were in the form of interviews, with the director or a member of the staff answering questions about the institute and the government of the city and state. Program topics included the Governmental Research Institute, government of the city of St. Louis, city and state finances, public schools in Missouri, revision of the Missouri state constitution.

Ohio Institute Publishes

A series of bulletins "containing factual information and suggestions based on nonpartisan studies" was inaugurated by the **Ohio Institute** on September 30. The series will deal in the main with problems likely to come before the 1941 legislature. This first bulletin, titled "The Ohio Citizen," is two pages long, mimeographed. It deals with the need for reorganization of the state department of public welfare. Four divisions are suggested: correction, mental hygiene, social administration, and business administration.

Starting Year III

By way of beginning its third year, *Public Administration Notes*, publication of the **Virginia Council on Public Administration**, describes (October 4, 1940) the principal agencies and organizations in the field of public administration in Virginia and the relationships existing among them. Included are the Virginia Council on Public Administration itself, the Virginia Chapter of the American Society for Public Administration, and the Virginia Social Science Association.

Research Bureau Reports Received

Debt

Bonded Debt of the City. Rochester (New York) Bureau of Governmental Research, Inc., *Municipal Research*, September 1940. 1 p.

Rochester's Debt. Rochester (New York) Bureau of Governmental Research, Inc., *Municipal Research*, August 1940. 1 p.

Defense

National Defense Requires New Approach to City Budget Making. The Commission on Governmental Efficiency and Economy, Inc., Baltimore, Maryland, *Your Tax Dollar*, September 25, 1940. 3 pp. mimeo.

WPA and National Defense. Citizens' Bureau of Milwaukee. August 31, 1940. 3 pp. mimeo.

Finance

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Highways

Digest of Effort to Improve Highway Department Efficiency. Taxpayers' Re-

(Continued on Page 762)

News in Review

(Continued from Page 709)

The **Lynn (Massachusetts)** Taxpayers' Association has decided not to appeal the Superior Court decision adverse to its city manager petition, but to start a new petition next year so as to be sure to have the question on the ballot in 1942.

The town of **Jay, Maine**, at a special town meeting on October 1, by a vote of ninety-one to twenty-two rescinded the action of the annual town meeting last March, which voted for the manager plan.

Bayonne, New Jersey, on October 15, defeated a proposed manager charter.

On October 8 **Durant, Oklahoma**, defeated a proposed charter which called for a manager whose appointive powers were limited.

Hackensack and Teaneck, New Jersey, have both passed the 25,000 population mark, according to preliminary figures of the 1940 census, and under the present council-manager laws would have their five-man councils increased to seven members, with higher remuneration. The councils have decided to include on the November ballot a referendum on requesting the legislature to permit five-man councils until the 40,000 mark is reached. The Hackensack Council Manager Association supports the move.

Little Rock, Arkansas, will vote on November 26 on a proposal that a manager charter be drafted, for submission to a referendum.

In **San Antonio, Texas**, the advisory committee of fifty-two members, appointed to draft a manager charter, has been superseded by a new committee of fifteen, appointed by Mayor Maury Maverick September 14 and approved by the city council. Draft-

ing of the new charter is nearing completion and December 10 has been tentatively set as the date for the charter referendum.

In **California** Charles Holtz of Sacramento, a candidate for the state assembly, urges an investigation into the desirability of a state manager, in view of the success of the manager plan in Sacramento.

The city council of **Santa Monica, California**, has refused to act on the recently filed city manager petitions, on advice of the city attorney who questioned their validity. The Superior Court has sustained the city attorney in his contention and unless reversal of the decision is secured on appeal to the Supreme Court the question will not be placed on the ballot.

Twenty-seventh City Manager Convention

The International City Managers' Association held its twenty-seventh annual conference in Colorado Springs during the last week of September, with an attendance of 240, of which 100 were city managers. New officers chosen include: Roy S. Braden, Greenbelt, Maryland, president; C. Sophus Johnson, Grand Rapids, Michigan, H. J. Graeser, Marshall, Texas, and A. F. Newman, Decatur, Georgia, vice-presidents.

Philadelphia Ghosts

A survey of registration by the *Philadelphia Record* indicates a large excess of registrations on the records, compared to persons still living at the addresses given. Many names of people now dead were found on the lists, including a former mayor, still a registered Republican although dead two years; at the address given, an apart-

ment house, 36 out of 209 registrants had moved or died, according to the survey. Other apartment houses showed much larger percentages of excess registrations, and the total city registration was stated to be 55 per cent of the population, as against an average of 42 per cent for New York, Boston, Baltimore, Buffalo, and Cincinnati—an average that would be raised somewhat by including certain large western cities. The survey indicated extreme laxity on the part of the registration commission as to purging the records.

501 Local Housing Authorities

The number of local housing authorities organized to enter the nation-wide slum-clearance and low-rent housing movement had increased to 501 by October 13, with more being organized week by week, according to the United States Housing Authority. Prior to enactment in 1937 of the federal housing act, authorizing loans by the USHA, there were only forty-six local authorities, largely inactive. Of the present number, 193 have borrowed over \$660,000,000 for 467 projects for 154,209 families.

EDITOR'S NOTE: On page 614 of the NATIONAL MUNICIPAL REVIEW for September 1940 the item title "Local Housing Authorities Now Number 175" was misleading; the text of the item indicated that this was the number of local authorities with USHA loans.

Voting Machines for Jersey City Delayed

Jersey City will not use voting machines at the current election, despite recent state legislation authorizing the State House Commission to purchase them. One bid was contingent on freedom from litigation over the validity of the legislation; another manu-

facturer could not make delivery before election. The commission plans to have the machines in use for the city election in the spring. Meanwhile the state administration filed quo warranto actions against the judges designated by the legislature to handle election cases in Hudson County; and an investigation of election procedure in Jersey City and other parts of that county proceeds before a committee of the United States Senate.

Vermont Holds Town Officers' Meetings

During September and early October six regional conferences of town officers and school directors were held in Vermont, sponsored by various state officials, the Vermont State Chamber of Commerce, farm bureaus, and the Agricultural Extension Service. More than seven hundred officers attended these six meetings, and it is hoped they will be repeated next year. They are an outgrowth of a town conference in 1933 and ten county conferences in 1934 at which the modernization of town reports, a subject to which the state chamber of commerce has devoted much attention, was stressed—with salutary effects on modernization of municipal operations.

City and State Planning Boards Aid Defense Preparation

The American Society of Planning Officials reports that various city and state planning agencies are supplying information pertinent to national defense.

Milwaukee, Brookhaven (New York), and Philadelphia are among cities where planning or housing agencies are making special efforts to collect such material. State planning boards reporting such action include those of

Arkansas, California, Kansas, New York, Tennessee, and Virginia.

In Milwaukee, which has had a municipal committee on national defense since July, the Board of Public Land Commissioners, local planning body, has furnished a three-part report on the city's housing and land use, labor supply, and vacant industrial property.

The Brookhaven, New York, planning commission has compiled a census of all land use, a complete outline of existing and planned roads, a population map showing the most logical locations for possible newcomers, an industrial spot map indicating the present industrial areas with possible expansions, a map of the underground water supply, coast line maps, and a complete topographical map indicating the best areas for air fields.

In Philadelphia, one of the important ordnance districts in the country, the local civic housing association is urging an immediate survey of housing conditions by the Philadelphia Housing Authority to prepare for a likely increase in worker population of several thousand, and periodic check surveys in the future.

The state planning boards of Kansas and New York are making a survey of idle plant facilities and production capacity, and will compile a directory of manufacturing establishments. Planning agencies of California, Tennessee, and Virginia are doing special research for their state defense councils, and the Arkansas State Planning Board has set up its own defense committees.

of municipalities, holds its seventeenth annual conference, dealing with many municipal problems, November 13-15, at the Congress Hotel, Chicago.

The League of Wisconsin Municipalities broke its attendance record at its recent convention with the figure of 1,040. Actions taken included unanimous endorsement of proposed home rule over rates of municipally-owned utilities.

At its recent annual meeting the Kentucky Municipal League authorized its president to appoint a committee of five city finance officers to cooperate with the state revenue department in adopting a uniform system of accounting in cities and in preparing financial report forms.

The recently reorganized Tennessee Municipal League has chosen as its executive secretary William H. Newell, formerly field consultant of the North Carolina League of Municipalities. The league's office is in the American National Bank Building, Nashville.

The New Jersey State League of Municipalities, through its executive committee, has elected James J. Smith, treasurer of Linden, as executive secretary to succeed Samuel S. Kenworthy, deceased.

The Arkansas Municipal League has temporarily lost its executive secretary, William D. Hopson who is a captain on duty with a National Guard aviation squadron, for a year. Henry A. Ritgerod, the league's research consultant, is acting executive secretary.

Governmental and Planning Courses in New Hampshire

The Department of Government at the University of New Hampshire enters the third year of its interne training program. University students spend one semester in a state or municipal

Fall Activities in Municipal Leagues

The American Municipal Association, the national federation of state leagues

office studying governmental administrative problems. The demand by public officials for student internes far exceeds the supply. Approximately 45 per cent of the internes graduating in the past two years are now in government positions.

A new course in community planning is being offered this year at the university. The departments of government and engineering are combining for the presentation and are calling on departments of sociology, economics, land use economics, landscape architecture, and architecture for assistance on special phases. Students will visit state and city planning programs and will work out suggested plans for their own towns.

LASHLEY G. HARVEY

University of New Hampshire

Many States Adopt Price Control Laws

State price control laws, designed to prevent sale of merchandise below cost, to regulate resale price, and prevent discrimination by discount or rebate, have built up at a rapid rate within the past four or five years, as shown by an analysis by the Council of State Governments, based on information supplied by the marketing laws survey. In some states their constitutionality is still in question, however, and other challenges as to legal validity have been made.

These laws include forty-four resale price control acts, twenty-four statutes prohibiting sales below cost, and twenty-four anti-discrimination statutes applying to commodities in general use. The quick growth of these acts, according to the council, reflects the way merchandising has changed since the turn of the century with the development of mail order houses, department and chain stores, and super-markets.

Voting and Office-holding by Soldiers

Members of the National Guard or other citizens who were in active military service away from home by November were unable to vote in six states—Kentucky, Mississippi, New Mexico, South Carolina, Florida, and Louisiana—under present laws, according to an analysis by the Council of State Governments. Lack of absentee voting provisions is the chief reason. In a seventh state, Texas, citizens in the army, navy, or marine corps (but not those in the National Guard or the reserves) are entirely disfranchised.

In many states civil officeholders who enter active service as officers of the National Guard are prohibited from continuing to hold their state offices.

Public Administration Society to Hold Annual Meeting

The American Society for Public Administration, which was organized December 27, 1939, will hold its first annual meeting in Chicago December 28, 1940. Professor Earl H. deLong of Northwestern University is chairman of the program committee. The first issue of *Public Administration Review* is to appear this fall.

Correction

In the Tax Rate Tabulations listed in the December 1939 issue of the NATIONAL MUNICIPAL REVIEW, the following correction should be made:

New Castle, Pennsylvania (No. 195): Tax rate should read: city, \$11.50; school, \$18.00; county, \$6.00; state, none; total, \$35.50; estimated ratio of assessed value to true value 94%; adjusted tax rate on 100% basis of assessment, \$33.37.

Citizen Action

Edited by Elwood N. Thompson

Roundup—

Fall programs of city clubs are now in full swing. . . . The **Chicago City Club** has moved into new headquarters in the Hotel La Salle. On October 21, at one of its regular forum luncheons, Allen H. Seed, Jr., president of the **National Association of Civic Secretaries**, spoke on the topic, "John Q. Citizen Goes to Town."

The October *Bulletin* of the **City Club of New York** outlines its civic program for the year. The club has taken an active part in the campaign to preserve proportional representation and to effect county reorganization in New York. . . . The *Bulletin* of the **Portland (Oregon) City Club** contains committee reports on specific state proposals voted on at the recent election—milk control legislation, gambling and game amendment, and a bank stockholders' liability constitutional amendment.

Yonkers' Councilwoman and "Public Energy No. 1," Mrs. Edith P. Welty, spoke on behalf of the manager plan in two Massachusetts campaigns—Chicopee and Haverhill.

Senator Carl A. Hatch was speaker at the forty-third annual meeting of the **Cleveland Citizens League**, held in early October in conjunction with the conference of the **Civil Service Assembly of the United States and Canada**. His topic was "The Observance and Enforcement of the Merit System." . . . The September 26 issue of *Greater Cleveland* (the league's publication) is an indictment of "inexcusable waste" in the operation of the city's Service Department. The league is attempting to get some action on its report of two years ago on waste collection and

disposal in which a number of suggestions for reorganizing the department were made.

The September *Citizens Bulletin* of the **Citizens League of Baltimore** announces the first major triumph of the organization, in preventing amendment of the zoning law attempted by the city administration during the summer months when a good many citizens were out of the city. . . . In October the **Civic Club of Allegheny County** issued the sixteenth edition of its *Voters Directory*. No recommendations were made, but the directory contained information about candidates for state and federal offices.

"Principles Behind the Election Issues" was the topic of the **New York State League of Women Voters'** convention held October 16, 17, and 18 in Buffalo. A number of local leagues, including Scarsdale, Schenectady, New York City, and Nassau and Suffolk Counties sponsored pre-election institutes for their members.

Applications have now closed for the position of field secretary for the **Connecticut Merit System Association**,¹ and plans are going forward for an examination later in this month.

The municipal and county government section of **Town Hall** (a citizens' organization in Los Angeles) has issued a report recommending creation of the office of chief administrative official in Los Angeles County.

The September 25 issue of *Indiana Tax Digest*, published by the **Taxpayers' Federation**, listed ten sets of facts which the citizen may easily obtain about his community and which will enable him to judge its debt situation. . . . In its October *Tax Digest*, the **California Taxpayers' Association** offered its recommendations on five

¹See this column, October REVIEW.

of the twelve measures on the November ballot.

Here's a tip for citizen organizations looking for program ideas. . . . Russell H. Ewing of the University of Denver suggests eight methods of improving city government which might be selected as the objectives of a modern central civic organization. . . . Here they are: (1) *research*, investigation, reporting publicity; (2) creation of a modern, central, civic organization to foster *civic education*, encourage civic leadership, and enlighten public opinion; (3) *strengthen government personnel* by establishing a civil service merit system, abolishing the spoils system, training public employees, promoting university training in public administration; (4) *structural simplification* and administrative reorganization of government (adoption of the manager plan where this is found feasible); (5) *re-chiseling the areas of government*, changing boundaries, consolidation of cities and counties; (6) *redistributing the functions of government*, eliminating duplications and unnecessary services in state, counties, cities, and special districts; (7) *modernizing equipment*, methods, procedures, budgeting, accounting, auditing, purchasing, inspection, use of modern methods of measuring municipal government; (8) *removing constitutional and statutory barriers* to the improvement of city government, home rule, etc.

RUTH M. WILLIAMS

Town Meeting Works on Statewide Basis

"Modern democracy in action" was exemplified by the **Town Meeting of Washington**, a public forum on ballot propositions sponsored by twenty-one service clubs in Seattle and affiliated organizations throughout the state on October 11.

The forum was considered so successful that plans are being made to continue the practice of holding statewide **Town Meetings of Washington** whenever vital questions are before the voting public for its decision.

Members of Seattle Rotary, Kiwanis, Lions, Active, Young Men's Business and other clubs assembled that evening in the first meeting of its kind ever held in the state, while affiliated clubs in other towns held Town Meetings of their own, to hear the program broadcast over a statewide network, and to hold forum discussions of their own.

Speakers selected from the Seattle Municipal League's "town criers" analyzed each of six proposals on the November 5 ballot, after which sponsors and opponents of the various measures led forum discussions on them.

The program received statewide publicity, and had an estimated audience of 500,000.

Forum discussion during the broadcast was governed by a specially-constructed traffic signal, which flashed a green light during the time allotted each speaker, and a red light when his time was up. Questions and answers during the radio program were limited to one minute each, but in the forum which continued, following the broadcast, were extended to two minutes.

EWEN C. DINGWALL

Seattle Municipal League

Mayors Ask for Your Fingerprints

When most of the mayors of the larger cities of the country issued proclamations last August calling for cooperation with the Department of Justice on work of registering aliens, they at the same time urged voluntary fingerprinting of citizens. Encourag-

ing progress has been made but much remains to be done. Citizen groups could be most helpful if they would incorporate, in their community program, a voluntary citizen identification plank.

The government of the United States today is placed in the embarrassing position of a mother who does not know her own children! With our far-flung coast lines, relatively unprotected borders on the north and south, and a shifting heterogeneous population of over 130,000,000, there is an appalling lack of *personal identification*.

It has taken a national emergency to bring about registration and fingerprinting of aliens. This registration is now being carried out by the United States Department of Justice under the provisions of a federal statute approved last June 28.

Appeal for Volunteers

Now is the opportune time to make a forceful appeal to native born and naturalized citizens—although they are not included within the purview of the law—to come forward, voluntarily, and have their fingerprints taken and filed in a non-criminal fingerprint register. The Police Department of the City of New York, for example, has for years offered this service but, to date, only 218,000 civic-minded persons have availed themselves of this privilege.

It is common knowledge that fingerprints are accurate, that there are no two identical fingerprints, that they are not changeable, that they are not inherited, and that the technique of taking impressions, classifying and storing them is simple, inexpensive and convenient.

Too few of us, however, appreciate the practical, concrete benefits that accrue to those whose fingerprint impressions are on file in a non-criminal

register. A common misconception is that the police are only concerned with the apprehension of criminals. Nothing is farther from the truth. In actual practice no inconsiderable portion of police work is involved in attempting to identify and locate missing persons, relations of the insane, identification of unknown dead, suicides, victims of amnesia, aphasia, and those injured in major catastrophies and everyday accidents. In 1939 the Missing Persons Bureau of the New York City Police Department investigated 33,332 cases. During the same year, 794 unidentified dead were buried in potter's fields.

Many Benefits

The manifold benefits that the taxpayer would derive from universal fingerprinting would include reduction in the cost of maintaining large staffs of police to conduct lengthy investigations not of a criminal nature; fewer unidentified dead; release of vast sums of insurance to deserving beneficiaries; aid in restoring to their families lost, wayward, and runaway youths, thus possibly saving them from a life of crime; relief of the anguish and suspense of parents, wives, children, and sweethearts by the speedy, accurate identification of victims of accidents and catastrophies, aphasia, and amnesia; increase in the efficiency of relief administration—preventing fraud and duplications; reduction of income tax evasion, illegal voting, illegal entry into this country, and the issuance of false passports; aid in facilitating the mobilization of our national man power in time of war or national emergency; and effective aid in frustrating the spy, saboteur, and the numerically designated columnists.

The mechanics of operating such a system, while a gigantic undertaking in itself, could utilize the present facili-

ties of over 11,000 law enforcement agencies now taking and forwarding fingerprints to a central bureau at Washington, D. C., as well as post offices and other government departments.

Business and industry envisaged the possibilities of fingerprinting in making exact, speedy identification, and thereby preventing misrepresentation, fraud and unethical practices. Bonding companies require that fingerprints be taken before undertaking to bond employees for positions of trust. Banks and the United States Postal Savings System have been using a combination of written signature plus fingerprints with great success. During World War I, the federal government fingerprinted millions for the armed services.

New York System

In New York City applicants for the following licenses are fingerprinted: hack driver, hack owner, bus driver—tow car, cabaret, dance hall, pistol, non-resident pistol, dealers in firearms, gunsmiths, tear gas and tear gas devices, short wave radio in automobile, auctioneer, bail bondsman, rooming house, special patrolman, attendant—cloak room, guide, junk shop, junk boat, pool parlor, laundry, second hand dealer, public porter, express driver, massage operator, massage institute, locksmith, applicants for all municipal civil service positions, U. S. civil service, 2nd District, U. S. Navy Yard, post office, army, navy, marine corps and coast guard enlistments, port authority employees, U. S. Department of Justice—drivers of bonded trucks, WPA employees, and railway express employees. Even newborn babies are printed immediately after birth to prevent substitution or error.

A somewhat vague apprehension is sometimes voiced to the effect that the non-criminal register may be used as an instrument of police oppres-

sion, or as a medium for the creation of "black lists." This record is filed separately, apart from the criminal files, and its contents are not consulted except for purposes of a non-criminal nature. To disabuse the public mind of this bias, however, it might be suggested that this function could be handled as are the social security records, with adequate legislation to protect the confidential status of the register.

To the civic-minded person, alert to the preservation of his civil rights, it is an added assurance of individual liberty. One never knows when he may need proof to distinguish him from everyone else in the world. It is very interesting to note that not long ago in New York City a certain man was arrested, arraigned in court, and released on bail. Subsequently, he fled and the bail was forfeited. Now it so happened that the offense for which he was arrested was not one for which the taking of fingerprints is made mandatory by law and, consequently, there was no official record of his identity, other than the name given at the time of arrest. Some time later the surety caused the apprehension of the alleged bail violator, who indignantly denied that he was the person originally arrested. He did admit, however, having been arrested and fingerprinted on a prior occasion for another charge. He requested to be fingerprinted again, and these prints proved his story that it would have been impossible for him to be the same person as the bail violator. It is, indeed, an anomalous condition when a convicted felon can prove his identity and verify his claims more readily than the average honest citizen can in a similar situation!

PAUL V. BETTERS
Executive Director

United States Conference of Mayors

County and Township*Edited by Elwyn A. Mauck*

**County Manager Plan
an Issue in Nebraska*****Vote on amendment giving
legislature permission to
draft optional governments***

Nebraskans participating in the general election this month voted on a constitutional amendment permitting the state legislature to propose an optional manager form of county government. The amendment states: "The legislature may provide by law for a form of county government in which county officers may be elected or appointed, but such form shall be optional with each county and shall obtain in any county only upon the adoption thereof by the electors of such county."

The amendment marked the latest move in a succession of efforts that have been made to modernize county government. As early as 1933 the state legislature enacted a law permitting counties to adopt the manager plan by popular vote. The following year Douglas County (Omaha) adopted a manager charter only to have the statute declared unconstitutional by the state supreme court. The constitutional provision in question stated that: "The legislature shall provide by law for the election of such county and township officers as may be necessary." The court reasoned that this provision conferred no power on the legislature to create an appointive county office. Therefore a law creating the appointive office of county manager was declared invalid.

In 1939 the state legislature again

acted to improve county government. It passed the proposed constitutional amendment which has just been presented for final approval of the people. It is believed that adoption of the amendment will remove the greatest obstacle, and effective progress toward reform in county government will then be possible.

***Onondaga County, New York
Votes on Manager Plan***

In order to combat the opposition that appeared in various parts of the county, proponents of the manager charter for Onondaga County, New York, distributed 10,000 printed copies of the charter commission's report. These were placed for distribution in the hands of both town supervisors and those representing the city of Syracuse. Copies were made available also at the county court house.

The report was circulated in an effort to inform the voters on the merits of the manager plan before they went to the polls in the general election this month. Since the New York law requires an affirmative vote both in the central city and in the county outside such city, greatest efforts were directed to the voters outside of Syracuse, for apparently the rural and suburban areas contained the greatest amount of opposition to the charter.

***Milwaukee County Studies
Cooperative Purchasing***

Almost all of the units of government in Milwaukee County, Wisconsin, were represented at a meeting held recently in city hall to study the possibilities of coordinating purchases. It was agreed that a voluntary and tentative plan should be tried. The city, county, villages, townships, school districts, and library boards consented to participate in the plan.

The participants stated that they believed the following advantages would result from a cooperative purchasing plan in Milwaukee County: carload shipments would result in lower freight costs, standardization of specifications would reduce manufacturing costs, reduction in number of orders would result in savings in administrative costs, advantage could be taken of the sliding scales offered on quantity orders, and sales expense incurred by vendor and shifted to purchaser would be lower.

Pennsylvania Counties Inaugurate Magazine

The Pennsylvania County Commissioners Association, at its annual convention held recently, voted unanimously to begin the issue of a new magazine. It is to be called *The County Commissioner* and is to be issued bi-monthly.

Consolidation Hits Snag

The proposal to consolidate San Francisco, Marin, and San Mateo Counties in California met at least temporary defeat recently when the attorney for the city of San Francisco ruled that the inclusion of Marin County would require a constitutional amendment. It is expected that the proposal for the consolidation of the remaining two counties will be presented to their respective boards of supervisors shortly.

Courts Rule County Reform off New York City Ballot

The New York Court of Appeals, by a vote of 4 to 3, has ruled that the petitions initiating amendments to the city charter to abolish and consolidate county offices within the city¹ are invalid. The question, therefore, did not appear on the November 5 ballot.

¹See this department for June 1940, p. 426.

Taxation and Finance

Edited by Wade S. Smith

Census Bureau Reports Government Employment

Payroll figures cover three thousand states, counties, cities, towns.

Statistical reports on employment and payrolls of state and local governments, heretofore available only at yearly intervals, are now being compiled by the Division of State and Local Government of the Bureau of the Census on a quarterly basis. Data have already been released for the quarters ending in January and April 1940, with figures for July expected soon.

While the material is being gathered on a quarterly basis primarily to supplement existing employment and payroll figures prepared by other governmental agencies on commercial, industrial, and federal employment, the figures should be of considerable interest to students of government and governmental finance.

Data for smaller units are estimated largely on the basis of sample returns, but individual returns are shown in nearly every instance for states and for cities and counties of over 25,000 population. Summary bulletins present the material by type of unit and size and geographic distribution, while additional bulletins—and these are likely to be very useful to citizen groups and others interested in a particular municipality—show individual data.

Space considerations make it impossible to do more than indicate the scope of the reports, but even a brief

resume of some of the findings for April are instructive. For the end of April 1940, 3,146 states, counties, cities, towns, and townships reported to the bureau a total of 936,000 full- and part-time employees. These were exclusive of school employees, contract workers, and those on work relief. Of the total, 90.5 per cent were engaged in general governmental functions, while the remaining 9.5 per cent were accounted for by public service enterprises. Included were 3,311 state and local units with a monthly payroll of about \$120,000,000, of which nearly \$108,000,000 was for general governmental functions. The range was from New York City, with 104,981 employees in governmental functions and a monthly payroll of \$16,712,000 down to small rural townships with a dozen or less employees and payrolls of a few hundred dollars.

In its general summary of the April situation, the bureau notes that while the federal government payrolls in 1939 had risen 50 per cent higher than the 1929 level, state payrolls increased almost 74 per cent. City payrolls rose only 6 per cent, and county payrolls only 17 per cent, however. The April summary also includes, in a separate bulletin, a functional classification of employment based on the returns of more than 1,800 units. These data, in conjunction with increases since 1929, contain food for thought in areas where governmental consolidation is possible. States the report in one place:

"In spite of the wide variety of public services undertaken by state and local units of government in the United States, the majority of state, city, and county workers are engaged in only a few of the many functions which their governments perform. Returns to the April canvass of the Quarterly Employment Survey indicate that 73 per cent of all state employees, for

example, are found to be serving in general administrative, legislative and judicial, highway, police, hospital, or charity work. The percentage of city employees assigned to corresponding functions ranged from about 56 per cent for the largest cities to 84 per cent for small villages; and 86 to 93 per cent of all county employees serve the same five purposes in the sphere of county government, with the highest percentages occurring in the counties containing the lowest populations."¹

Homestead Tax Exemption Increases in Oklahoma

In 1937, as a result of legislation providing that homesteads up to \$1,000 assessed valuation be exempt from the ad valorem property tax, taxable assessed valuations in Oklahoma were reduced \$115,177,924 by exemptions granted on 171,133 homesteads. This figure has increased steadily, to an exemption of \$141,031,644 on 213,264 homesteads for 1940. Whereas in 1937 assessed valuations exempted under the statute amounted to 9.48 per cent of the total in the state, by 1940 it had increased to 11.80 per cent.

The effects of homestead tax exemption in Oklahoma have been covered perhaps more fully than have the effects of similar provisions in other states. Subsequent to approval of the constitutional enabling amendment by the voters, the Oklahoma Tax Commission made a comprehensive survey of the probable reduction in assessed valuations at various levels of exemption, and these studies undoubtedly had considerable influence on the state legislature, which fixed the maximum

¹Quarterly Employment Survey, Vol. 1, No. 10, September 26, 1940. Division of State and Local Government, Bureau of the Census, Department of Commerce, Washington, D. C.

exemption at \$1,000 of assessed valuation. Since the exemption became effective, the commission has continued its analysis, reporting by counties such facts as the number and valuation of properties eligible to homestead tax exemption, the exempted valuation, and the relation of exemptions to total valuation.

For 1940 the commission's analysis shows that the range of loss in assessed valuations due to exemption is from 4.39 per cent in Osage County to 22.39 per cent in Cherokee County. In twelve counties the \$1,000 exemption amounted to more than 90 per cent of complete homestead exemption. In Latimer County, 97.28 per cent of all homestead valuations were relieved of property taxes (except levies to retire prior indebtedness, to which the exemption does not apply). In twenty-five counties the \$1,000 exemption amounted to 80 per cent or more of complete homestead exemption. In all, 7,528,989 rural acres and 302,302 urban lots were affected by the provision.

In general, homestead exemption has been most severe in its effects on rural counties located in the poorer agricultural sections of Oklahoma, areas where property values are low and the \$1,000 exemption catches a large proportion of owner-occupied properties. Neither Tulsa nor Oklahoma City has been seriously affected, the ratios of exemptions to total assessed valuations in these urban centers holding very close to the average for the state as a whole. City valuation figures for 1940 (for the fiscal year 1940-41) are not yet reported, but for 1939 homestead exemptions accounted for 11.06 per cent of the total valuation in Tulsa County and for 12.18 per cent in Oklahoma County.

The deduction of homestead exemptions is made particularly severe in its

effects on local finances, in those instances where it exceeds more than a nominal proportion of the total valuation, by the existence of a constitutional overall tax rate limit. Adopted in 1933, the limitation amendment holds the overall tax rate to 15 mills, exclusive of taxes levied for debt service. Additional levies may be voted for school purposes. The 15 mills available for operating purposes is allocated to the local units by the county excise board, and the cities usually receive the smallest portion as indicated by 2.9 mills allocated to Oklahoma City for 1939-40.

The claiming of homestead exemption is of course optional with the property owner, and increase in the number and value of exemptions since 1937 is in part a reflection of the fact that exemptions are being requested on an increasing proportion of eligible properties.

For the state as a whole, in 1940, exemptions amounted to 61.6 per cent of the assessed valuation of homesteads before deduction of the exemption, leaving only 38.4 per cent of the valuation of homesteads subject to taxes for current operating purposes.

New Hampshire Property Tax Declines

New Hampshire cities and towns show a decline in the average tax rate from 3.45 in 1939 to 3.42 in 1940. The average tax rate followed a gradual rise from 2.84 in 1930 to 3.48 in 1938. Reduction since 1938 is attributable to the removal of the state tax on property, included in municipal tax rates, and extensive federal public works spending which has permitted the assumption by the national government of street and park labor costs.

LASHLEY G. HARVEY
University of New Hampshire

Rochester Exhibits in Tax-foreclosed Building

Taking a novel step in the administration of tax-foreclosed properties, the city of Rochester, New York, opened a downtown Civic Exhibits Building in October in a structure which was formerly a department store.

The building, which is seven stories in height, was foreclosed for tax delinquency early in 1940. Vacant for some eight years, it was three years in arrears in taxes, owing the city and county together approximately \$71,000. Formerly it paid about \$23,000 annually in taxes.

The city, although reluctant to remove such a large assessed valuation from the tax rolls, was forced to this course of action. As a result, the municipality became owner of a well built, modern structure.

It was evident that if the city should tear the structure down or sell it at a low price, the government would be admitting that all downtown properties were over-valued for tax purposes.

A diverse group of suggestions were made for use of the building and for placing it upon the tax rolls again. None of these plans was found practicable. After careful consideration of all possibilities, however, it was pointed out that the city was without a major exhibit center. The city determined, therefore, to convert the building to this use in an effort to utilize its values, to build up the values of surrounding property, and to create a conveniently located center for civic events.

The new civic exhibits building, it was thought, would demonstrate adequately that the city believed in its

assessments. At the same stroke the city would be divesting Main Street of the ghost of a business which failed some years ago and, instead, would be substituting a center of activity.

Remodeling of the structure was carried out by the city immediately and before the job was completed five major civic events were scheduled for the building, first of which was the Rochester automobile show.

Present bookings indicate that rentals received from the shows which will be held during the winter will not only pay maintenance costs but will also partially replace the revenues from taxes which were lost to the city by foreclosure.

HAROLD S. W. MACFARLIN,
Commissioner of Commerce
Rochester, N. Y.

Tax Records Centralized in Colorado

The Colorado taxpayer is coded and carded for all his payments to the state in a new centralized tax record system unique in tax-collection procedure, according to a recent report of the Federation of Tax Administrators.

All relevant information for each taxpayer on sales, income, motor fuel, and inheritance taxes goes on a single card as a permanent record, while a smaller card, with less detail, is used for monthly entries.

The system was devised in order to simplify record-keeping and to combine at one point most of the information necessary for auditing purposes that would otherwise be scattered over the dissimilar record systems of the numerous state taxing divisions.

Proportional Representation

Edited by George H. Hallett, Jr.

P. R. League to Meet at Springfield

Johnstown vote blocked; N. Y. papers endorse P.R.

The Proportional Representation League plans to hold its annual meeting on Tuesday morning, November 19, in connection with the Conference on Government of the National Municipal League at Springfield, Massachusetts, November 18, 19, and 20.

After a short business session the P.R. movement in New York, Massachusetts, and elsewhere will be discussed by a group of prominent speakers including Rev. Edward Dowling, S.J., of St. Louis; George H. McCaffrey, director of research, Merchants' Association of New York; Thomas H. Mahony, chairman, Citizens' Committee for Proportional Representation in Boston; and Charles J. Rohr, of Massachusetts State College. Thomas Raeburn White, vice-president of the P.R. League and chairman of the Philadelphia City Charter Committee, will preside.

Other items on the conference program of interest to proportionalists will be found in the announcement of the conference on page 710 of this issue.

Technicality Blocks Johnstown Vote

The scheduled vote on a P.R.-city manager revision of the Johnstown city charter, prepared by the National Municipal League and submitted by petition under the auspices of a local

charter committee, has been blocked by a most unexpected decision of the New York Court of Appeals.

The Johnstown city clerk certified to the sufficiency of the submitting petition, but the board of elections refused to put the question on the ballot on the ground that the proposal, though it left more than half of the existing charter unchanged, was really a new charter and not an "amendment." Even more complete revisions of laws have often been made by amending procedure, both in New York and in other states, as when the Cleveland charter was completely revised in 1921 and when the New York State constitution was largely rewritten by "Amendment No. 1" submitted by the New York Constitutional Convention of 1938. The very purpose of the section of the city home rule law under which the Johnstown committee was acting was to make just such important and fundamental changes available to New York cities by petition and popular vote.

The case was ably argued by Laurence A. Tanzer, one of the foremost authorities on city home rule in New York State. Yet the Supreme Court, the Appellate Division, and the Court of Appeals all held without a dissenting vote that a procedure set up for charter amendment could not be used for a charter revision extensive enough to be considered a new charter even though the revision was put in amendment form.

Attempts will be made by further amendment in the legislature to regain the ground that has been lost and recast the law so that it cannot be interpreted to mean other than what it was originally drafted to mean.

Meanwhile cities using the home rule machinery for extensive improvements will have to divide their pro-

posals into piecemeal amendments, with the danger that the passing of some and the defeat of others will leave an unsatisfactory whole, or else go through the unnecessarily slow, expensive, and cumbersome procedure of setting up a charter commission one year, voting on its product the next.

Testimonials to P. R. in New York City

The attack on P.R. in New York City this fall, to be decided at the polls November 5, has brought forth many telling statements of its value—among them the following:

"The Threat to the City Council

"It is earnestly to be hoped that the overwhelming interest in the presidential election will not blind New York City voters to the pernicious bit of knifework against their local liberties which the Tammany-Democratic clubhouse statesmen have slipped into the ballot with their referendum to annihilate the proportional voting system for the city council.

"Engrossed in greater issues, the citizenry may easily overlook this proposal or misunderstand its implications. But the thing is important; and it is important to bury it on election day under alert and emphatic majorities. 'P.R.' is certainly no universal panacea for political ills; it is probably not safely applicable to all situations, but as a practical device applied to the specific problem of choosing the New York City council it has in fact worked admirably. And none who remembers the rubber-stamp statesmen of the old Tammany-appointed board of aldermen would wish to abandon it.

"Ever since the days when the new charter was being formulated the local machines have been filling the air with

their seemingly plausible assaults on 'P.R.' The system was a strange new-fangled contraption; it was 'undemocratic'; it was an inordinately complicated puzzle which only an Einstein could fathom; it was disruptive and would end in disaster. And in face of all the argument the public voted for 'P.R.' by heavy majorities when the new charter was adopted four years ago. They showed they could understand it very well, even if the politicians could not. They have used it in two councilmanic elections now without difficulty. It has produced no disasters—except to the comfortable old arrangement under which the local Democratic bosses dealt out the aldermanic seats, as their private monopoly, to whatever party hacks they chose to reward for services rendered.

"The 'P.R.' system has not upset the political structure of the city. The Democrats, since they have a majority among the voters, have a corresponding majority in the present council, which they fully control. But the great bulk of other voters, who were in effect permanently disfranchised under the old single-member system, now also have representation. The growing boroughs, such as Brooklyn and Queens, no longer have to wait on reapportionment to secure the number of seats to which they are entitled; they get them automatically. The quality of the council membership is vastly improved; able men, refused nomination by their own party machines, have secured election while the machines have been forced to nominate abler men in answer.

"But the whole arrangement is one under which the machines have never been happy, and they have now put on the ballot their amendment which would destroy the whole system, establishing a council, elected in the old way,

of thirty-three members, at least thirty-two of whom would be Democratic virtually by law. When the public grasps the inwardness of that proposal, we have not much doubt as to its fate."

New York Herald Tribune, editorial,
October 17, 1940

"To Save P.R.—Vote No

"Twice the voters of this city have expressed their approval of the system of proportional representation under which we now choose our city council. Four years ago they adopted it by a vote of 923,000 to 555,000. Two years ago they rejected, by a majority of 775,000 to 355,000, an amendment to the state constitution which would have abolished P.R. Tammany and its allies have been hostile to the system from the first, despite the fact that they now hold a two-thirds majority in the council. This year they hope to kill P.R. by a charter amendment under which council members would be elected by simple pluralities, one from each state senate district. The result would be in effect to disfranchise those minorities which now have a one-third representation in the council.

"Liberal voters had hoped to control the council. There have not been enough of them, properly informed as to the issues, to achieve this end. They have nevertheless had a voice, and the council has been at no time a mere rubber stamp for machine politicians, which was the best that could be said for the old board of aldermen. Tammany and its allies now want the rubber-stamp days back, presumably because they fear that the voters may grow sufficiently independent in the near future to upset the Tammany council majority. The way to defeat this Tammany plan is to vote no on the charter amendment."

New York Times, editorial,
October 21, 1940

RESEARCHER'S DIGEST

(Continued from Page 746)

search Association, Fort Wayne, Indiana. *Research Bulletin*, July 1940, 5 pp.

Financing Arterial Highways. Boston Municipal Research Bureau, *Bulletin*, September 30, 1940. 4 pp.

Home Rule

Home Rule. Philadelphia Bureau of Municipal Research, *Citizens' Business*, August 20, 1940. 2 pp.

The Taxing Power under Home Rule. Philadelphia Bureau of Municipal Research, *Citizens' Business*, September 3, 1940. 2 pp.

Public Welfare

State Welfare Organization. Ohio Institute, Columbus, *The Ohio Citizen*, September 30, 1940. 2 pp. mimeo.

About Public Relief and Insurance Cases as of August 31, 1940. Detroit Bureau of Governmental Research, *Just a Second*, September 24, 1940. 1 p. mimeo.

Tax Exemption

The Nature and Value of Tax-Exempt Real Property in Three Oregon Counties. Bureau of Municipal Research and Service, University of Oregon, Eugene, August 1940. vi, 27 pp. mimeo.

Water

Water Department Efficiency. Civic Research Institute, *Kansas City Public Affairs*, September 12, 1940. 3 pp.

"Free Water." Civic Research Institute, *Kansas City Public Affairs*, September 19, 1940. 3 pp.

Briefly—About Water Rates. Civic Research Institute, *Kansas City Public Affairs*, September 19, 1940. 3 pp.

Briefly—About a Water Finance Plan. Civic Research Institute, *Kansas City Public Affairs*, October 3, 1940. 3 pp.

Books in Review

EDITED BY ELSIE S. PARKER

Property Taxes. By Leo Day Woodworth and others. New York City, Tax Policy League, 1940. vi, 288 pp. \$2.50.

The Tax Policy League chose the oldest major American form of taxation—the property tax—as the subject of its last symposium, the papers for which are presented in this volume. It was not possible, of course, to include all of the aspects of this tax for exhaustive treatment in a single book.

Part One is devoted to present trends in property taxation, while the other four parts cover important selected phases intensively and critically.

Part Two is heavy with a critical study of the classified property tax, to which Simeon E. Leland, Alfred G. Buehler, and Harold S. Buttenheim are contributors. This list of authors goes a long way to explain that there seems to be more territory left unexplored in this field of property taxation than has been disclosed as yet. "Some Observations" from Leland's pen run to considerable length and make one wonder whether the subject is not inexhaustible.

The theoretical issues of the property tax are treated in Part Three under the heading of the "Justification of the Property Tax" in four papers by Clarence Heer, Edwin H. Spengler, Harold M. Groves, and Carl Shoup. Especially noteworthy is the paper by Groves under the heading, "Commons' Theory of Reasonable Value as Applied to Taxation."

Part Four contains two papers only, "Taxing Real Estate on Its Income," by John A. Zangerle, and "Alternative Bases for Real Estate Taxation," by C. Lowell Harriss. One should note

especially Zangerle's devastating criticism of the movement to use income, and possibly other bases, for the purpose of determining the tax liability of real estate. His use of current facts and situations in proving real estate income unascertainable is refreshing and makes one forget that the same is true of the capital value of almost any tangible property. There still seems to be a good deal left unsaid as to the real reasons why net income and capital value are not interchangeable, specifically why income cannot be forthwith substituted for capital value in ascertaining tax liability of real estate.

Part five, consisting of four papers, deals with administrative problems of property taxation, chiefly the old standbys of assessment and delinquency. The conclusion seems to be inescapable that such personalty as cannot be fairly effectively assessed ought to be exempt entirely, or ought to be reached by other means than the property tax. The two papers covering the collection methods are less defeatist in attitude.

Not all of the nineteen papers are of equal merit, of course; but the quality runs high throughout. Most of the writers are fortunate in having a great deal of practical experience as a basis for their reasoning. The fact that the subject is one that has been much discussed does not mean that nothing new is told. In fact, the contrary is very much the case.

JENS P. JENSEN

University of Kansas

The Awkward Age in Civil Service. By Betsy Knapp. Washington, D. C., National League of Women Voters, 1940. 114 pp. 40 cents, paperbound.

Betsy Knapp, experienced pamphleteer for the National League of Women Voters, proves that civil service can be made to sound fresh, interesting, and vital with this provocatively titled study of public employment from the citizen's viewpoint.

Miss Knapp has managed to cover every conceivable question about the merit system—conceivable, that is, to the progressive-minded layman—without falling into the errors of dryness or preachiness. She has cleverly bulwarked even the more argumentative sections of her study with choice supporting quotations from politicians and public officials with a gift for earthy expression. As for her own style, it is lucid and neither highbrow nor insulting puerile.

The book is divided into four chief sections. The first comes to grips with the question "Is patronage necessary?" It is, perhaps, the weakest section of the pamphlet, chiefly because the author has a tendency to sidestep such vital issues as the need of the executive for patronage as a club over his legislature. She contents herself with footnote references to other works which discuss the question more fully.

Section two gives a rather brief history of civil service in the United States and shows why the merit system is necessary. "The Merit System in the Making, an Obstacle Race," which is chapter three, is the core of this work, an honest exposition of the kinds of conditions and people which sabotage the development and operation of sound public personnel methods. Here the role of public opinion is forcefully described and the thesis of the work is once and for all uncovered: that the merit system can be instituted and made to work well if the citizens will it and if they work for it.

The final chapter describes the es-

entials of personnel administration and goes into the features of a "model" program.

Finally, useful tables show the extent and cost of civil service systems in the federal government, the state governments, and seven large cities, the type of organization of personnel agencies in various jurisdictions, and numbers of government employees in the past decade. Rare in paperbound books, there is also an index and, to boot, a glossary of civil service terms.

In this pamphlet the National League of Women Voters has produced one of the best, probably *the* best, discussion to date of the merit system for the "citizen," or "voter," or "layman," or "taxpayer." Probably even an expert could profit by reading it.

M. R.

Tennessee: A Political Study. By William H. Combs and William E. Cole. Knoxville, University of Tennessee Press, 1940. xi, 353 pp. \$2.00.

The authors of this book are professors at the University of Tennessee, one having recently moved to the Michigan State College of Agriculture and Applied Science. The book is designed to be a popular treatment of state and rural local governments in Tennessee. It has succeeded admirably in attaining this object, and deserves to be widely read by the voters of the whole state. In a foreward to the book President James D. Hoskins of the University of Tennessee says that the main purpose of the volume is to improve governmental administration and contribute to popular understanding of government in the state. To this end the authors have included comparative practices from other states and have made numerous recommendations for betterments. It is fitting, says President Hoskins, that the first book

to be published by the newly organized University of Tennessee Press "should be a volume on the government of the state which gave the institution birth and which sustains its existence."

The book contains chapters on constitutional development, suffrage and elections, general assembly, governor, state administration, court system, fiscal administration, educational facilities, welfare and health services, planning agencies, and problems of local rural government. The state's administrative reorganization, beginning in 1923 under Governor Peay, is carefully traced and explained both by chart and text. Civil service, too, is discussed at some length; its failure in recent months commented upon, and recommendations offered for the establishment of a real merit system. The fiscal problems of the state, of which there are many, are treated in a frank and helpful manner. An interesting chapter is included on planning agencies and planning legislation. A final chapter is devoted mainly to county governments, showing how antiquated and politically corrupt they are at the present time and how great the need is for their immediate reform.

A. E. BUCK

Institute of Public Administration

Government of the American People.

By Jeremiah S. Young, John W. Manning, and Joseph S. Arnold. New York City, D. C. Heath and Company, 1940. xiv, 830 pp. \$3.75.

The word "integration" or "integrate" occurs ten times on the first page of the preface to this unusual textbook, and this generic viewpoint is carried out in two ways. The basic aspects of government are each discussed as a whole and at each of its levels; then the way each of the three major levels deals with the

achievement of certain ends is set forth in the second half of the book.

Subjects are discussed which are not usually covered by books on government. We find chapters with such headings as "Our Vocations," "The Family," "Recreation," and "Commerce: Domestic and Foreign."

The problem of correct logical order must always confront those who put such a book together but it would seem that the chapter on the getting and spending of public revenue more properly belongs at the end of Part VI which deals with intergovernmental relations, particularly in view of the critical question of getting each to confine itself to a particular type of taxing, than it does in the section devoted to general economic welfare.

We have come a long way in the development of the writing of books for those who would study government when—as in this case—the name of Socrates does not occur once, the name of Aristotle only once, and the reports of the National Resources Board are continually referred to. We have moved from the inculcation of abstract and *a priori* principles, to the type of thinking for which Galileo was one of the first to set the fashion. And that constitutes one of the many values of this book. Anyone who reads it will have thereafter in his slant on government more of the quality embodied in the words "the means whereby" than is yet unfortunately found abroad.

W. J. M.

Additional Books and Reports Received

Planning

California Planning 1939. Sacramento, California State Planning Board, 1940. 64 pp.

Streamlining a City to Attract Industry. Techniques and tools for sus-

taining cities where men earn their bread. By Herbert S. Swan. New York City, 1940. 23 pp. 25 cents; in lots of 25 or more, 20 cents. (Apply to author, 15 Park Row, New York City.)

Police

Salaries, Hours of Work and Vacation Periods in Police Departments of North Carolina Cities Over 3,000 Population (for year ending June 30, 1940). Raleigh, North Carolina League of Municipalities, 1940. 9 pp. mimeo. Ten cents.

Taxation and Finance

Financial Statistics of Local Governments in Oklahoma, for the Fiscal Year ending June 30, 1939. Oklahoma City, Division of Research and Statistics, Oklahoma Tax Commission, 1940. viii, 171 pp. mimeo.

Fiscal Facts Concerning the City of New York—a 20-year statistical summary of the city's finances. New York City, Citizens Budget Commission, Inc., 1940. 90 pp. Paper cover, \$1.50; cloth cover, \$2.50.

Government Spending and Economic Expansion. By Arthur E. Burns and Donald S. Watson. Washington, D. C., American Council on Public Affairs, 1940. vi, 176 pp. Paper cover, \$2; cloth cover, \$2.50.

Illinois Tax Problems. Proceedings of an open forum on taxation and tax problems in Illinois. Edited by Benjamin P. Draper. Chicago and Springfield, Illinois Tax Commission, 1940. xii, 423 pp.

Kentucky County Debts, June 30, 1938. By George Peak and J. E. Reeves. Lexington, University of Kentucky, 1940. v, 62 pp.

State Tax Legislation, 1940. New York City, Tax Policy League, 1940. 16 pages, mimeo. 25 cents.

The Administration of Gasoline Tax Refunds and Exemptions. Chicago, Federation of Tax Administrators, 1940. 32 pp. 75 cents.

Varying Emphasis on Different State Taxes. New York City, Tax Policy League, 1940. 11 pp. mimeo. 25 cents.

NEW YORK SOLVES TRANSIT PROBLEMS

(Continued from Page 735)

Board of Estimate authority to decide what the fare shall be on the unified system, which is the only logical action that the legislature could have taken.¹⁶ The unified lines are being operated by the city directly through its Board of Transportation rather than through a Board of Transit Control as proposed in the past.

The process of unification was not a smooth one, but a road filled with conflict both between private interests and public authorities and between the city and Transit Commission. In the various plans proposed before 1939 certain common tendencies are discernible, including the use of the securities of a public corporation to meet a large part of the purchase price for private properties, consideration of the fare on the unified system, management and operation by a Board of Transit Control on behalf of the city, and a continual decline in the proposed purchase price—except in the Seabury-Berle plan. Recapture was not seriously considered as a means of unification after the second Untermyer plan of 1928.

One can say that the solution reached in 1939, although not ideal, is logical for New York City considering all the circumstances.

¹⁶New York State, Transit Commission, *Annual Report* (1939), p. 195; and *New York Times*, March 29, 1940, p. 1, sec. 1, col. 2.